



Appeal Decision

Site visit made on 23 April 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2024

Appeal Ref: APP/M5450/W/23/3326658

Devonshire House, 582 Honeypot Lane, Stanmore HA7 1JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr R Sandhu of Hubspace (UK) Limited against the decision of the Council of the London Borough of Harrow.
 - The application Ref is P/4172/22.
 - The proposed development is the erection of extension to existing office building with associated hard and soft landscaping works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of extension to existing office building with associated hard and soft landscaping works at Devonshire House, 582 Honeypot Lane, Stanmore HA7 1JS in accordance with the terms of the application, Ref P/4172/22, subject to the conditions in the attached schedule at the end of the decision.

Preliminary Matters

2. In my decision above I have used the description of development stated on the application form as I am not aware of any agreement for it to be changed.
3. The Council has advised me that reference in its notice of decision to Policy CS 10 of the Harrow Core Strategy dated February 2012 (CS), should in fact be Policy CS1 of the CS. The appellant has been made aware of this, and the appeal has been determined on this basis.
4. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context, and both parties have had the opportunity to make comments on the revised Framework within their statements and final comments.
5. With their appeal the appellant has included a Supplementary Sequential Test Assessment prepared by WSP, dated October 2023 (SSTA). The Council has had the opportunity to comment on this through the appeal process, and I consider that there would be no unfairness to any interested parties from accepting this information. Consequently, the appeal has been determined on this basis.

Main Issue

6. The main issue is whether the proposed development would be in an acceptable location, with specific regard to being within a Strategic Industrial Location (SIL).

Reasons

7. The appeal site relates to a large office building together with its car park area, which has a frontage onto both Honeypot Lane and Garland Road. There is no dispute between the parties that the appeal site is part of the Honeypot Lane Industrial Business Park, which is a designated SIL.
8. The appellant has stated that an office use has existed on the appeal site since 1999, with the existing building said to have a floorspace of 2,966 square metres. The proposed extension would be within a small part of its car park area, and it would measure some 656 square metres. It is also said that the proposal would allow the appellant to manage the existing and proposed office space on one site, which is understood to be let to different users, and that it could create up to 46 no. full time jobs.
9. Notwithstanding that the proposal would be an extension to the host building, its location within the protected SIL, would conflict with Policy CS1 (criteria O) and Policy CS8 (criteria E) of the CS, Policy DM31 of the Harrow Development Management Policies Local Plan (2013) (DMP), and Policies E4 and E5 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP), which collectively seek to retain areas designated as SIL's for industrial and business uses. Office use is not one of the permitted uses within SIL areas, as defined within Policy E4 of the LP. It is also noted that the Harrow area is said to have a shortfall of industrial land, which the appellant has not disputed.
10. Both criteria O of Policy CS1 of the CS and criteria D of Policy DM31 of the DMP require such releases of land for other uses within SIL areas to pass a sequential test, and show why the proposal could not be undertaken on more locationally preferable sites. In this case, and consistent with paragraph 91 of the Framework, a sequential test is required to demonstrate why the proposed location is acceptable.
11. In addition to the sequential test, criteria C of Policy DM31 of the DMP also requires evidence that the site is no longer suitable or viable for an industrial and business use, along with a period of continuous unsuccessful marketing of the site. The appellant's supporting information argues why the location of the proposed extension, so close to the existing offices and its servicing requirements, would mean it is not suitable for industrial use, I see no reason to disagree with their opinions. Furthermore, as the proposal would still be for an employment use, I am content that no marketing of the land where the extension would be located would be necessary pursuant to Policy DM31 of the DMP.
12. A proposed detached office building at the appeal site was dismissed last year ('the earlier appeal decision'), which is an important consideration in my assessment of the appeal scheme.¹ It was found on that appeal, that the office proposal conflicted with the development plan and sequential testing was

¹ Ref. APP/M5450/W/23/3315556

required. That proposal did not pass the sequential test which was said to have been undertaken in relation to a building with a larger area, as such there was uncertainty about whether smaller sites had been sufficiently assessed, and whether sites should have been dismissed based on its size. In addition, there was said to be insufficient information as to why it would be unviable and operationally inefficient to manage two separate sites, and there had been no assessment of parts of Edgware Town Centre located within the London Borough of Barnet, or of recently permitted office developments.

13. In this case, this proposal would be physically attached to Devonshire House, the appellant has provided justification within the SSTA to demonstrate it would be operationally linked to the existing building and that it would not be commercially cost efficient to locate them separately. In this respect, the proposal is distinct to that which was the subject of the earlier appeal decision.
14. The appellant's Sequential Test, prepared by WSP dated October 2022 (ST), has assessed the proposed extension and the existing office building together, as well as with the extension disaggregated. In doing so, a flexible approach has been applied in both cases, considering sites with a floorspace of 10% above and below the proposed additional floor space, and with it combined with the existing building. I note that this level of flexibility in size was not found to be unreasonable in the earlier appeal decision, and I am also content that it provides a reasonable level of flexibility considering the appellant's commercial requirements. The ST is said to have assessed approximately 200 sites, and subject to the sites referred to below and assessment of part of Edgware Town Centre within the Borough of Barnet, and approved office developments, the Council have indicated it is otherwise robust.
15. The parties do not dispute that there are no suitable sites to accommodate Devonshire House and the proposed extension together, and I see no reason to disagree, consequently the sequential test in this respect would be passed. The Council has questioned whether the proposal is a genuine extension to the building and argued that the proposal should be disaggregated for the purposes of the ST. The appellant's submission, particularly within the SSTA has detailed why the extension must be linked to Devonshire House for operational and viability reasons, including the appellant's management of the office space. The Council has suggested that the appellant could undertake this from separate sites. However, the appellant's commercial reasons for wanting an extension to Devonshire House for the reasons they have set out do not appear unreasonable. I also note from the floor plans that there is some degree of communal facilities within Devonshire House, such as a meeting room, interview room, and a coffee shop, that would appear to be accessible internally for occupiers of the proposed offices, indicating the proposal would function as an extension to the main building.
16. Turning to the alternative sites referred to by the Council as being suitable (sites 16, 26, 33, 100 and 129 as referenced in the ST). In the event I were to accept the Council's argument that the proposed extension should be disaggregated. Sites 16 and 129 are both within the 10% threshold, but they are 5.5km and 6km away from Devonshire House respectively. The appellant has stated in the SSTA that the proposal is inherently an extension to the existing building of their managed office space, and to service a site so far away would not constitute an extension or be a viable option. Although the Council disagree with this, I have no evidence before me to counter that

submitted by the appellants in this respect regarding their commercial requirements.

17. Sites 26 and 33 are outside of the 10% floor space threshold and can reasonably be discounted as unsuitable. Whilst 2 floors of the building at Site 100 could be used to provide 590m² office floorspace in total, the appellant has stated in the SSTA that the latest availability information shows that only 186m² of floorspace is now available, which is considerably below their requirement. In addition, the SSTA has also confirmed that there are no suitable sites within Edgware Town Centre (including within the London Borough of Barnet) and that there are no suitable approved office developments.
18. Therefore, even assessing the proposal on a disaggregated basis, the sequential test would be passed as there are no other suitable and available sites for the proposal. Whilst the Council has said that the future operators of the site could change over time, which may be so, the proposal must be judged on its individual merits now.
19. The appellant's argument that Policy E1 of the LP provides support for existing office floorspace, including its re-development, renewal, and re-provision where appropriate is noted. However, in this case, the proposed area where the offices are to be located is part of a car park and not specifically existing office floorspace. As such, I did not regard the support provided by Policy E1 of the LP to directly relevant to the appeal proposal.
20. I also acknowledge the practical difficulties raised by the appellant regarding why an upward extension would not be possible in this case, and that an extension to the side of the existing building is the most appropriate way of providing extra office space.
21. I therefore conclude following my findings above, the proposal would pass the sequential test and be an acceptable location for the proposed office extension and comply with the relevant parts of Policy CS1 of the CS and Policy DM31 of the DMP that require the release of such land to non-industrial and business uses to pass a sequential test and demonstrate why there are no other suitable or available sites for the proposed development. However, the loss of land within the SIL to office use would also conflict with Policies E4 and E5 of the LP and parts of Policies CS1 and CS8 of the CS, and parts of Policy DM31 of the DMP that amongst other things specifically seek to retain SIL areas for business and industrial uses.

Other Matters

22. It is noted that the appeal site is said to be located within flood zones 2 and 3. However, there is no apparent dispute between the parties regarding the proposal's compliance with development plan policies relating to flood risk. Based on the proposal being an extension to an existing building, and subject to conditions, I am content that flood risk have been acceptably minimised.

Planning Balance

23. The loss of the SIL area as set out above and the conflict with policies in the development plan that protect such areas weigh against the proposal.

24. However, in favour of the proposal are my findings above regarding the proposal passing the sequential test, and its compliance with relevant parts of the development plan policies in this respect. In addition; the relatively small scale of the proposal; its limited use of the existing car park area that would be unlikely to be appropriate for new industrial or business development; that the proposal would likely contribute to the local economy and create up to 46 no. jobs; and noting paragraph 124 of the Framework that promotes and supports the re-use of under-utilised land and buildings, are material considerations that weigh in favour of the proposal. I give these matters collectively significant weight.
25. I therefore conclude that although there is some conflict with the development plan due to the loss of the land within the SIL to office use, the reasons outlined above, which include important material planning considerations, would when combined, outweigh the conflict in this case, and the appeal site would be a suitable location for the proposed development.

Conditions

26. I have imposed a standard implementation condition, along with a condition listing the approved plans to provide certainty over what has been approved. A condition regarding the new external materials and hard surfacing details is also necessary to protect the appearance of the area.
27. To ensure the site can be effectively drained and to reduce flood risks, conditions are necessary for foul and surface water drainage details, and details of an evacuation plan.
28. To take account of parking requirements for the existing building and the proposed extension, including electric charging points, and disabled parking spaces, a parking plan condition is necessary. A travel plan condition is also necessary to promote sustainable travel. Details of the secure cycle parking spaces have already been provided, to ensure they are provided prior to the first use of the proposed extension, a condition requiring adherence to those details is necessary.
29. To ensure that parking and storage of construction materials does not adversely affect highway safety and to safeguard nearby residential occupier's living conditions from construction noise and disturbance, a construction logistics plan is necessary.
30. Although an area is shown for bin storage, it is unclear whether the area is sufficient to accommodate the required refuse and recycling facilities for the proposed development, as such a condition requiring these precise details be submitted and provided is necessary.
31. The Council's suggested condition requiring a Secure by Design certificate has not been imposed, as I have been provided with insufficient policy justification to show that such a certificate is required to make the development acceptable.

Conclusion

32. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed.

A Hunter

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following submitted plans: drawing no's 4032_PL201; 4032_PL208; 4032_PL209; 4032_PL210; 4032_PL211; 4032_PL212; 4032_PL213; 4032_PL214; and 4032_PL215.
3. No development shall take place, until a construction logistics plan has been submitted to, and approved in writing by, the local planning authority. The plan shall detail the arrangements for:
 - a) The parking of vehicles of site operatives and visitors.
 - b) Loading and unloading of plant and materials.
 - c) Storage of plant and materials used in construction of the development, and,
 - d) Measures for the control and reduction of noise and vibration.The construction of the development hereby approved shall be carried out in accordance with the agreed construction logistics plan.
4. Prior to the commencement of development hereby approved, an emergency evacuation plan, that shall include an emergency evacuation route for the occupants and users of the approved development to locations away from potential flooding, shall be submitted to and approved in writing by the local planning authority. The emergency evacuation plan shall thereafter be adhered to, and all future occupiers of the development hereby approved shall be made aware of the approved emergency evacuation plan prior to their first occupation.
5. The development hereby approved shall not be commenced until precise details for the disposal of sewage have been submitted to and approved in writing by the local planning authority together with a timetable for their implementation. The development shall thereafter be carried out in accordance with the approved details and timetable.

6. The development hereby approved shall not be commenced until precise details for the disposal of surface water, including details of surface water attenuation and storage, together with a plan for their maintenance, have been submitted to, and approved in writing by the local planning authority together with a timetable for their implementation. The development shall be carried out in accordance with the approved details, timetable, and maintenance arrangements.
7. Prior to any works above the ground level of the building hereby approved, precise details of the materials to be used in the construction of the external surfaces of the building, and all new ground surfacing materials, including samples if requested, shall have been submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
8. Prior to the first occupation of development hereby approved, secure cycle parking spaces in accordance with the details specified on drawing no's 4032_PL215 and 4032_PL208 shall be fully constructed and made available for use. Thereafter these secure cycle parking spaces shall be retained in perpetuity for their intended use.
9. Prior to the first occupation of the development hereby approved, refuse and recycling facilities shall be provided in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, together with a timetable for their implementation. The development shall be undertaken in accordance with the approved details, timetable and they shall be retained as such thereafter.
10. Notwithstanding the submitted plans, and prior to the first occupation of the development hereby approved, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall specify those spaces to have; electric vehicle charging points; disabled person's parking space(s); and the allocation of the retained parking spaces for the existing office building and the proposed extension hereby approved. The development shall be carried out in accordance with the approved parking management plan and retained as such thereafter.
11. Notwithstanding the approved plans and documents, the development hereby approved shall not be occupied until a travel plan that sets out up-to-date travel surveys, and measures to encourage greater use of sustainable transport methods, including cycling and walking, together with a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan and timetable shall thereafter be adhered to.