



Appeal Decision

Site visit made on 8 July 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal Ref: APP/M5450/W/25/3361443

Caffe Nero, 1 Love Lane, Pinner, Harrow HA5 3EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant the approval for details required by conditions of a planning permission.
 - The appeal is made by Mr Ashok Patel against the decision of the Council of the London Borough of Harrow.
 - The application ref P/0388/23, sought approval of details pursuant to condition Nos 4, 5, 6, 7, 11 and 15 of planning permission Ref P/3669/19 granted on 20 July 2020.
 - The application was refused by notice dated 30 August 2024.
 - The development proposed is: redevelopment to provide three storey building with accommodation in roof to provide Coffee shop (Class A1) on ground floor, 9 flats (7 x 1 bed flats and 2 x 2 bed flats) on upper floors; Refuse and Cycle storage.
 - The details for which approval are sought relate to: Construction Logistics Plan, disposal of sewage, surface water, permeable paving, emergency planning and noise report.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Ashok Patel against the Council of the London Borough of Harrow. This application is the subject of a separate decision.

Background and Main Issue

3. I acknowledge the comments with regard to the Council's handling of the application for approval for details required by conditions of a planning permission¹, including those relating to the withdrawal of that application and whether the Council's actions were lawful or not.
4. However, the Council refused the discharge of conditions 4, 5, 6, 7, 11 and 15 in a decision notice issued on the 30 August 2024 as referenced above. An appeal against the Council's decision on that application under section 78 of the Town and Country Planning Act 1990 has been made. It is that appeal which is before me and I have determined it on its planning merits only.
5. The Council refused the discharge of conditions 4, 5, 6, 7, 11 and 15. However, their reason for refusal as detailed on its decision notice, solely relates to condition 4. Furthermore, the Council's delegated report confirms that they have no objection to the discharge of conditions 5, 6, 7, 11 and 15 with the Officer recommending to approve the details. I have therefore focussed my attention on condition No 4 as the planning issue in dispute, and because I am dismissing the

¹ Council Reference P/0388/23

appeal for the reasons that follow, I am satisfied that no party has been prejudiced by my approach. Condition No 4 is concerned with the acceptability of the “construction logistics plan” and the associated implications for highways safety.

6. Thus, the main issue is whether the details submitted in respect of the construction logistics plan meets the requirements of condition No 4 with particular regard to highway safety

Reasons

7. The Council’s reason given for imposing condition No 4 as detailed on the original decision notice² is as follows: ‘to minimise the impacts of construction upon the amenities of neighbouring occupiers and to ensure that development does not adversely affect safety on the transport network in accordance with Policy 6.3 of The London Plan (2016) and policies DM1 and DM43 of the Harrow Development Management Policies Local Plan (2013). To ensure that the works are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition’.
8. The appeal site adjoins Love Lane to the west and a narrow service lane to the south. The service lane is used to access the rear of properties on the corner of Love Lane and Bridge Street, providing access to businesses and residents. A car park identified as the ‘Radius and Red Lion Parking Parade’ is located on the opposite side of the service lane. Thus creating vehicle and pedestrian movements within this area. The Construction Logistics Plan (CLP) identifies the service lane as the primary access with a secondary access to the south-east onto bridge street. The CLP is explicit in that “*the site will be fully enclosed with 2m high hoarding on all sides*”, describing it as being two metres in height with scaffolding and netting around the site.
9. Figure 4 – Phase 1 site layout within the CLP shows the site hoarding adjoining the boundary of the appeal site.
10. The appellant contends that the proposed building sits approximately 0.75 metres within the site boundary providing space for its construction, leaving space for the hoarding to be erected entirely within the appeal site boundary.
11. However, it is clear that parts of the existing building adjoins the appeal site boundary, thus without substantive details I am not satisfied there is space for the hoarding to be erected without needing to be outside of the appeal site boundary and inevitably positioned into part of the space which comprises the narrow service lane, outside of the appeal site boundary.
12. The appellant’s highways response letter dated 20/10/2023 describes the narrow service lane as being 3.34 metres wide with the Highway Authority giving a figure of 2.5 metres. Based on the submitted details in the Construction and Logistic Plan, I cannot be satisfied based on the scale of the maps detailed in Figures 8 and 9 of the CLP that the “Area of Works” would also adjoin the appeal site boundary with the service lane, further limited the ability for the hoarding to be accommodated within the appeal site boundary.
13. If the hoarding were to extend outside of the site boundary and into the adjacent narrow service lane or substantive construction works take place with the lane for

² Council Reference P/3669/19

any substantive period this would potentially prohibit delivery vehicles accessing the lane. As such, these vehicles would be required to wait within the surrounding highway, impacting traffic flows and representing a danger to vehicles required to pass on the opposite side of the highway. Further, narrowing of the service lane would result in construction vehicles performing additional manoeuvres to access the loading and unloading area, increasing the risk of accidents with other vehicles and pedestrians using the access lane.

14. As such, based on the information submitted I cannot be sure of the width of the access lane once the proposed hoarding is in place, and whether there would remain sufficient room for the safe manoeuvring of delivery vehicles. Whilst HGV's may currently use the service lane, this is without the proposed site works and hoarding.
15. Moreover, the Phase 1 delivery strategy of the CLP includes a loading and unloading area for deliveries within the Radius and Red Lion Parking Parade with materials then transported across the service lane. Given the parking area will remain in use there is the potential for conflict between the proposed works, and vehicles and pedestrians utilising the parking area representing a risk to their safety. The CLP states that a full-time banksman/traffic marshal will be available and in attendance to safely supervise vehicles, however no substantive details as to how this would operate have been provided. I cannot therefore be sure that this would sufficiently mitigate the risk to the safety of pedestrians and vehicles utilising the car park.
16. Even when using the secondary access to the south-east, delivery vehicles would still be required to enter the service lane and the unloading area within the Radius and Red Lion Parking Parade. As such, use of the secondary access would not overcome the above identified harm to highway safety.
17. Overall, for all these reasons, on the basis of the evidence before me, I must take precautionary approach, and I am led to the conclusion that submitted documents would not meet the requirements of condition No 4 with regard to highway safety. The proposal would therefore conflict with Policies DM1 and DM43 of the Harrow Council Development Management Policies (2013) and Policy T3 of the London Plan (2021). When read together these policies require development to mitigate the transport impacts of development.

Conclusion

18. For the reasons given above the appeal should be dismissed.

N Unwin

INSPECTOR