



The Planning
Inspectorate

Report to London Borough of Harrow Council

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

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE LONDON BOROUGH OF HARROW
CORE STRATEGY**

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 24 June 2011

Examination hearings held between 27 September and 6 October 2011

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Abbreviations Used in this Report

AAP	Area Action Plan
CSDPD	Harrow Core Strategy Development Plan Document
DPD	Development Plan Document
DVS	Development Viability Study
GLA	Greater London Authority
ha	hectares
LBH**	London Borough of Harrow Core Document
LDS	Local Development Scheme
PAC**	Proposed Additional Change
PAMC**	Proposed Additional Minor Change
PC**	Proposed Change
PMC**	Proposed Minor Change
PPS	Planning Policy Statement
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SIL	Strategic Industrial Location

Non-Technical Summary

This report concludes that the London Borough of Harrow Core Strategy Development Plan Document provides an appropriate basis for the planning of the Borough over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- Changes to bring the Core Strategy into line with national guidance and the London Plan;
- Changes to ensure that the Council's approach to the provision of affordable housing is sufficiently flexible to ensure delivery in a range of market conditions;
- Changes required to clarify the way in which contributions from developers to secure infrastructure and other improvements will be sought;
- Changes required to ensure that the Core Strategy provides a proper level of detail and is clearly linked to the detail coming forward in subsidiary DPDs;
- Changes to ensure that the Council's strategies towards garden land, tall buildings, views, employment land and open space are properly justified by the evidence base; and,
- Changes to ensure that the Council's Monitoring Strategy provides a robust means of assessing delivery against the objectives of the DPD.

All of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. The changes do not alter the thrust of the Council's overall strategy.

Introduction

1. This report contains my assessment of the London Borough of Harrow Core Strategy Development Plan Document (CSDPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the CSDPD is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paragraphs 4.51-4.52) makes clear that, to be sound, a CSDPD should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. My Report will focus on the Submission version of the CSDPD (LBH18).
3. My Report deals with the changes that are needed to make the CSDPD sound. A series of Proposed Changes are identified in this Report by the reference 'PC..'. All of these changes have been proposed by the Council and are presented in Appendix A to this Report. Some of the changes put forward by the Council are factual updates, corrections of minor errors or other minor amendments made in the interests of clarity. These Proposed Minor Changes (PMC..) are set out in Appendix B to this Report. All of the PC and PMC changes were consulted upon by the Council before the Hearings commenced. In these circumstances, I was able to take these changes and the representations made to them into account in the Hearing discussions which took place.
4. In addition to the PC and PMC changes, the Council has proposed a series of changes arising from the consultation exercise on the PC and PMC changes and from the Hearing discussions. A post-Hearings consultation exercise has been undertaken and the representations made in respect of these changes have been taken into account in my Report. Where these Proposed Additional Changes are necessary to make the CSDPD sound, I have included them in Appendix A with the reference 'PAC..'. Where the post-Hearings changes do not go to the soundness of the CSDPD, I have included them in Appendix B as Proposed Additional Minor Changes with the reference 'PAMC..'. Appendix C contains the revised tables which make up the Council's proposed amendments to the Monitoring and Implementation Strategy and which are itemised in Appendix A.
5. For the sake of clarity, where a PC or PMC change has been added to, altered or overtaken by a subsequent PAC or PAMC change, I have only referred to the later change in Appendices A and B. In those Appendices I have used the page and paragraph numbering employed in the Pre-Submission Consultation version of the CSDPD (LBH18) rather than the numbering employed in either of the Consolidated Changes documents produced by the Council (LBH92 and LBH115).
6. As the PMC changes and PAMC changes do not have a bearing on the overall soundness of the CSDPD they are generally not referred to in this Report although I endorse the Council's view that they improve the plan. None of these changes should materially alter the substance of the plan and its policies, or undermine the participatory processes undertaken.

7. As part of the post-Hearings re-consultation exercise, the Council sought views regarding the government's statements made in the 2011 Budget, in the recently issued 'Planning for Growth' document and the draft National Planning Policy Framework which, at the time of the Hearings, had been issued for consultation purposes. I have taken into account the representations received in respect of these matters.
8. The Council has updated its Sustainability Appraisal to take into account the implications of the post-submission Changes.
9. I am content for the Council to make any additional minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.

Assessment of Soundness

Main Issues

10. Taking account of all the representations, written evidence and the discussions that took place at the examination Hearings I have identified 9 main issues upon which the soundness of the plan depends.

Main Issue 1 - Would the housing strategy set out in the DPD make adequate provisions for the delivery of housing to meet identified needs?

11. Household projections predict an increase in households of 23,000 in the borough in the period between 2008 and 2026. This is explained in a change to the text of the CSDPD which is proposed by the Council [PAC10]. However, Table 3.1 of the adopted London Plan only requires the borough to provide 350 dwellings per year which, extrapolated over the 17 year period of the CSDPD (2009-2026) gives a target figure of 5950 dwellings. Clearly this target figure falls well below the requirement made by the increase in households. However, as was explained to me at the Hearings, the apparent discrepancy arises from the London Plan's strategy of 'convergence' which seeks to focus development on the areas of unused land in east London which are in need of regeneration and have significant development potential. The intended distribution of population growth is shown on Map 1.1 of the London Plan. Whilst some representors consider that this strategy is unrealistic, nonetheless, it is now part of the adopted development plan and the provisions of the CSDPD are required to be in general compliance.
12. Paragraph 3.19 of the London Plan makes clear that the annual housing targets set by Table 3.1 are minimum targets and the housing targets in Policies CS1H and CS2C of the CSDPD are expressed in similar terms. However, in the Submission version of the CSDPD, Policy CS1H only sets a minimum target of 5345 dwellings – about 600 dwellings short of the target figure derived from extrapolating the annual target set by the London Plan. The Council explained that this shortfall resulted from a historic level of over-provision against targets which was illustrated by the trajectory in Appendix C. This historic over-provision had been discounted from the requirement set by the London Plan. The Table in Appendix C of the CSDPD already showed projected provision of 5628 dwellings – almost 300

dwellings more than the Policy CS1 H target – but this still falls short of the London Plan's target by over 300.

13. I accept that the Greater London Authority (GLA) did not dispute that the original housing target set by the Submission version of Policy CS1H was in general conformity with the London Plan. Nonetheless, Policy 3.3 of the London Plan draws attention to the 'pressing need' for more homes in London and the policy makes clear that the targets set are minima. They were presumably drawn up in the knowledge that, in some boroughs, there had been a degree of historic over-provision.
14. In circumstances where there has been a historic under-provision against housing targets, harm will have resulted in that part of the population which required housing would not have been provided for. In areas where such historic shortfalls exist, it could be argued that Councils should seek to increase housing targets above those set by the London Plan in order to satisfy that unmet requirement for housing. As the London Plan targets are set as minima, this principle can be accommodated without difficulty. However, in circumstances where historic over-provision has taken place, no such harm has been caused and there is, therefore, less reason to address the matter. The London Plan makes no provision for Councils to adopt targets which are lower than those which it prescribes.
15. Following discussions at the Hearing sessions the Council has proposed a number of changes to the CSDPD [PAC1, 2, 7, 10, 11, 23, 30, 33, 36, 37, 42, 44, 46, 47, 49, 51, 53, 56, 63 and 64] which amend Policy CS1H, the text, other sub-area policies and the content of Appendix C. Essentially these changes increase the housing target to at least 6050, 100 dwellings above the London Plan target. This proposed 'over-provision' reflects higher targets which were in place in the 2009-2011 period. I agree that these changes should be made to ensure that the CSDPD is properly justified.
16. Historically 'windfall' developments have made a substantial contribution to housing provision in the borough. The Council expects that the number of 'windfalls' will drop over the plan period because of the move away from the development of garden land (see Main Issue 5 below). However, the Council expects some 'windfall' development to come forward in the form of, for instance, town centre mixed use schemes and conversions. In line with the advice contained in paragraph 59 of Planning Policy Statement (PPS) 3: Housing, the housing provision trajectory makes no allowance for 'windfalls'. This is explained by a proposed change to the text [PAC12]. The Council's revised Monitoring Strategy (see Main Issue 9 below) will allow delivery to be scrutinised throughout the plan period to ensure that the assumptions made are justified. I am satisfied that this approach is in accordance with national guidance and would be effective.
17. Some representors have questioned whether the sites identified in the CSDPD could realistically be expected to come forward and have argued that, until such time as a borough-wide Strategic Housing Land Availability Assessment (SHLAA) is undertaken, there is no certainty that the correct amount of housing land required to deliver a properly balanced mix of development would be available. The London Strategic Housing Land Availability Assessment and Housing Capacity Study 2009 (the pan-London

SHLAA) was undertaken to inform the preparation of the London Plan. Paragraphs 1.4-1.6 of this document make clear that, because of the special circumstances pertaining in the capital, the pan-London SHLAA is intended to provide the type of joint working covering a sub-regional housing market which is encouraged by PPS3. This work appears to have been largely based on the nature of the individual areas rather than on specific sites. Many London Councils are relying on the pan-London SHLAA, in some cases supplemented by their own work, as an alternative to producing their own SHLAAs. I have seen no persuasive evidence to indicate that this Council should follow a different model.

18. Much of the housing provision set out in the CSDPD will derive from sites which have already been identified. The Council explained that it had discussed each identified site with the relevant owner/developer and that it was as confident as it could be that the sites were capable of being delivered. I have seen no clear evidence to persuade me that they would not, even though I heard evidence which indicated that the number of lapsed planning permissions had risen sharply since 2006/07. The Council's revised Monitoring Strategy will enable delivery of the individual sites to be regularly assessed with the provision for a review if provision lags behind targets. I am satisfied that, in this regard, the CSDPD would be effective.
19. Some representors argue that a wider range of sites would be more effective in ensuring the deliverability of housing. However, the Council needs to balance the various competing objectives of its strategy including accessibility and regeneration. I have seen no persuasive evidence to show that the Council's choice of sites is inherently wrong. In general terms the identified sites appear to meet the criteria set by part E of London Plan Policy 3.3.
20. The Council has proposed a change to Policy CS1Y [PC7 and PAC15] to reflect the assessed local requirement for sites for the gypsy and traveller community. I agree that this change should be made to ensure that the CSDPD is properly justified.

Main Issue 2 - Is the Council's strategy for meeting the need for affordable housing justified by the evidence base and realistic in all of the circumstances?

21. It is not disputed that the need for affordable housing in the borough significantly outstrips capacity and supply. Following discussions both at the Hearings and subsequently, the Council has proposed changes to Policy CS1J of the CSDPD and the associated text to more fully explain its strategy for the delivery of affordable housing [PAC13, 14 and 24]. Essentially the Council will aim for 40% of all houses delivered to be affordable which is comparable to the target being sought in other similar London boroughs. With the proposed changes, the CSDPD makes clear that this will be the target sought from all sources of supply which could include 100% affordable schemes although, equally, total supply will include schemes of less than 10 dwellings where no affordable element will be sought. The approach of setting an overall target is in-line with PPS3 guidance.

22. In support of its target the Council has commissioned a Development Viability Study (DVS). This concludes that, after taking into account CIL charges, at least 20% affordable housing could be delivered from private development schemes in the worst economic circumstances but that this could increase to 30-40% in most development scenarios. The Council's overall target is at the top end of this range.
23. Representors claim that a 40% target is unrealistic, would not be viable for the majority of private developments except in the best of market circumstances and poses a risk to delivery. They have argued that, even in the strongest market conditions, the viability of schemes which are required to deliver 30% affordable housing would not be assured. Once other factors, such as the application of Lifetime Homes and minimum space standards which are required by the London Plan, other infrastructure requirements and the requirement to deliver zero carbon homes after 2016, are taken into account viability becomes even less certain.
24. At the time of the Hearings it was generally accepted that the housing market was affected by the recession and was depressed. Nonetheless, I have seen evidence that there has already been some recovery in house prices in London from a low point at the beginning of 2009 to within about 4% of the peak in prices experienced at the beginning of 2008. Clearly market conditions are currently changeable but, nonetheless, the CSDPD needs to take a stance which will provide some guidance to developers.
25. It is important that the provisions of the CSDPD are deliverable and realistic over the plan period. I accept that a target figure of 40% affordable housing would be very challenging for private developers, especially when market conditions are poor. However, I do not agree with some representors who claim that, because a target is challenging it is inherently undeliverable. If a lower target was set which was based on poor market conditions, this is likely to be the benchmark to which developers would work when market conditions improve. I take the view that negotiations on affordable housing are more likely to be realistically based if the target is set high and the Council can reduce its requirements, through negotiation, to reach a point of viability. If the target is set too low, negotiations to establish a higher level of delivery are unlikely to be as successful as the Council seeks to 'claw-back' excess profit. Reasonable opportunities for affordable housing provision could, therefore, be lost. I agree with the Council, therefore, that the overall target should be set high provided that the CSDPD contains a proper opportunity to negotiate the actual level of provision on private development schemes to ensure that they are viable.
26. The changes proposed by the Council make the 40% affordable housing target an aspiration rather than a requirement and clarify that it will be sought from all sources of supply rather than from private developments only. The changes make clear that the Council will seek the maximum contribution which is 'reasonable' on individual sites having regard to a range of factors including viability. The changes explicitly state that, in times of weaker market conditions, schemes would need to be carefully examined to ensure that the requirement for affordable housing contributions did not inhibit development. I appreciate that this approach may not provide the degree of certainty and efficiency sought by some representors. However,

given recent fluctuations in the housing market, I take the view that the Council's strategy needs to be flexible and cannot be anchored to a particular set of circumstances which may change at short notice. Under current conditions I am satisfied that the Council's strategy does provide a practical framework.

27. The Council's proposed changes also explain that the need to provide larger affordable homes will be taken into account in negotiations as will the need to incorporate measures to enable the contributions to be reviewed over time.
28. Provided that it is operated in a pragmatic and realistic manner by both the Council and developers, I consider that the Council's methodology for the delivery of affordable housing is sufficiently flexible to enable changing requirements, such as the requirement for the construction of zero-carbon homes, to be taken into account in the overall assessment of viability. In all the circumstances I am satisfied that, with the proposed changes, the Council's approach to the provision of affordable housing is sound.

Main Issue 3 - Is the Council's strategy of concentration of development in the Intensification Area appropriate given the availability of transport and other infrastructure in the borough?

29. Policy 2.13 of the London Plan identifies part of the Harrow and Wealdstone sub-area as an Area for Intensification. Annex 1 to the Plan draws attention to the significant opportunities which exist for urban renewal, the regeneration and rejuvenation of town centres and employment growth in such areas. It also refers to the scope which exists to accommodate a substantial portion of future housing needs at high densities.
30. The spatial strategy of the CSDPD is in line with this strategic policy direction in that it identifies the Intensification Area as the focus of growth in the borough which will provide 2800 new homes [see PAC2, 30, 33, 36 and 37] and 3000 additional jobs. Given that it is the part of the borough which is most accessible by public transport, has substantial development opportunities on previously-developed land and has the greatest concentration of day-to-day services and facilities, the Council's proposed approach would appear to be the most sustainable option. A strategy involving more dispersed development across the borough would not deliver the regeneration benefits of the Council's proposed strategy and would not be able to take full advantage of the existing public transport network.
31. Some representors have raised concerns that the existing public transport and highways infrastructure would be inadequate to serve the level of new development being proposed in the Intensification Area. The CSDPD provisions have been subject to a Transport Audit (LBH83). The Audit concludes that some junction improvements in and close to the Intensification Area will be made necessary by the CSDPD proposals. Otherwise it concludes that the proposals would have little impact of existing transport infrastructure.
32. I heard evidence at the Hearings sessions that the Transport Audit had been undertaken using a standard model. Whilst some representors argued that their own perceptions of the adequacy of the existing road network are not

reflected by the Audit findings, I have been provided with no clear evidence to disprove the conclusions which have been reached. The Council indicated that the detail of the highway improvements would be taken forward through the AAP but that its emphasis was likely to be on improvements to 'smooth' bus and cycle usage rather than on works to improve general traffic flows as this would only encourage increased use of the routes by private cars. This is reflected by Policy CS1Q.

33. With regard to public transport provision, the Transport Audit identifies no improvements to Harrow on the Hill Underground station or to the Harrow bus station which are necessary for the delivery of the CSDPD strategy and Transport for London (TfL) have no major improvements programmed. Nonetheless, the Council recognises that some improvements to these facilities would be beneficial in delivering its overall strategy and they are, therefore, included within the Area Objectives for Harrow and Wealdstone. In Policy CS2M the Council has indicated that improvements to the Underground and bus stations, which are to be financed by contributions arising from development proposals, will be sought 'as a priority'.
34. Changes proposed to paragraph 4.28 and 5.13 of the CSDPD [PC4 and PAC34] and Policy CS1Q commit the Council to lobbying of the Mayor of London and TfL to secure investment in sustainable transport and to working with TfL in developing and improving orbital routes and connections to adjacent boroughs. There is no mention of the improved orbital services being 'express' services. I can understand that the introduction of such services could significantly improve travel times and make the services more popular. However, I have seen no clear evidence to support the view that only 'express' services would be successful. Other improvements may be just as beneficial. The CSDPD should therefore retain the flexibility to consider all options.
35. Given the findings of the Transport Audit, I do not consider that the Council could reasonably go further in linking development proposals in the Intensification Area to transport improvements. I do not consider that a re-ordering of the CSDPD's objectives would be necessary to make the document sound and I do not consider that contributions from new developments should necessarily be directed to transport improvements in the first instance. The Council made clear that the objectives of the CSDPD are listed in no particular order. To attempt to rank the objectives in terms of their importance is likely to be controversial and time consuming. In any event different developments may make different demands on infrastructure and the Council should have the flexibility to negotiate the most appropriate balance in each case.
36. Paragraph 1.39 of the London Plan makes clear that the planning of transport services should support the direction of growth envisaged in that document. As was discussed at the Hearings, the London Plan strategy of concentrating development in the eastern parts of the capital will inevitably mean that the bulk of publicly financed transport improvements will need to serve that development. Without significant public investment - which is currently unavailable - the CSDPD would not have secure grounds to require the provision of improvements to public transport infrastructure in Harrow ahead of new development. It would appear that, realistically, the

improvements to infrastructure could only be financed by contributions from new development projects. This may mean that improvements are likely to be more incremental than some representors would prefer. Nonetheless, a mechanism would exist through changes which the Council proposes to Policy CS1Z [PAC27] which would deliver improvements 'in tandem' whilst changes to Policy CS1AA [PC8] would secure contributions towards strategic infrastructure identified in the Infrastructure Delivery Plan (LBH38). In paragraph 1.0.5, the Infrastructure Delivery Plan makes clear that it is intended as a working document which will be subject to review and updating. As such the list of projects set out in Policy CS1AA should not be regarded as being definitive and is likely to change over time. I am satisfied that, with the proposed changes, the CSDPD is sound in this regard.

37. The Council proposes changes to Policy CS2K [PAC39] and paragraph 5.13 [PAC34] of the text to clarify that the requirement to provide connection to a combined heat and power network will depend on the feasibility of such a network being proven. I endorse these proposed changes in order that the CSDPD is properly justified.
38. Policies CS2K, L, M, P and Q place a number of requirements on developers to contribute towards the provision of necessary infrastructure. There are other requirements set out elsewhere in the CSDPD, for instance, the requirement to provide affordable housing. Some representors have raised concerns that, at a time when growth is being encouraged and when a Community Infrastructure Levy is likely to be introduced, the burden on developers is likely to be excessive. However, some of the requirements, such as the requirement for playspace and coherent public space ask for little more than would be expected from any well-designed development. Other requirements, such as Lifetime Homes and living space standards, are brought forward from the London Plan. Where the requirements would be secured through a Section 106 obligation they would need to pass the tests set by the Circular and this is made clear by a proposed change to paragraph 14.23 [PC12]. This would prevent unreasonable demands from being made.
39. The Council proposes changes [PAC34 and 35] which clarify that the arrangements for securing contributions will be set out in the AAP for the Intensification Area. The Council made clear at the Hearings that a balanced approach would need to be taken and that viability would need to be taken into account. Provided that the requirements are negotiated in a consistent, fair and proportionate manner, I am satisfied that they would not be unduly onerous. I consider that the clarifying changes are necessary to ensure that the CSDPD is effective.
40. The Council proposes a number of changes [PC5 and 11 and PMC21, 22, 23, 24 and 25] which clarify that flood risk across the borough has been fully taken into account. The Environment Agency is satisfied in this regard. I take the view that the changes should be made to demonstrate that the CSDPD is properly justified.
41. Policy CS1W states that requirements for sustainable urban drainage will be set out in a Development Management Policies DPD. However, paragraph 4.30 of the text states that all new development will be required to achieve

greenfield run-off rates. At the Hearings the Council indicated that the achievement of greenfield run-off rates was aspirational rather than a requirement and has therefore proposed a change to the text to reflect this [PAC19]. I agree that the change should be made in order that the CSDPD is justified.

Main Issue 4 - Does the DPD contain sufficient detail of the Intensification Area to properly inform development decisions?

42. The text accompanying Policy CS2 mentions both employment-led and housing-led redevelopment schemes. In the Submission version of the CSDPD, the general areas where these types of development could be expected to take place were shown on the Harrow and Wealdstone Sub-Area plan. The Council proposes an amendment which removes this notation from the plan [PC9]. If the original notation was employed as it was intended to be employed by the Council i.e. as a diagrammatic representation, I would have little objection to its inclusion on the plan. However, because the plan base is sufficiently detailed to allow identification of individual streets and blocks of buildings, it is almost inevitable that some will seek to apply the notation too precisely. That degree of precision should properly be brought forward through the AAP which is currently being prepared. Given that the expressions 'employment-led development' and 'housing-led redevelopment' are not employed in the policy itself, I have no objection to the deletion of the notation from the Sub-area plan. I accept that this would remove some detail which may be helpful to developers. However, I do not consider that, if used as it was intended, the plan notation would provide any greater degree of certainty than the text itself.
43. The process of sequential testing of retail locations is fully set out in PPS4: *Planning for Town Centres*. It does not need to be repeated in Policy CS2H.
44. Proposed changes to the CSDPD clarify the way in which preference will be given to Harrow town centre as the location for new community facilities [PAC31]. I agree that the changes should be made to ensure that the CSDPD is sufficiently flexible to deal with unexpected circumstances.
45. The Transport Audit points out that, given high levels of car ownership in the area, the securing of modal shifts to more sustainable options may be difficult. However, this should not prevent the Council from seeking such shifts in the interests of general sustainability. The strategy of concentration of development in the Intensification Area and other centres is likely to make developments which are less reliant on the private car – even car-free developments - a more realistic option. With regard to car parking, Policy CS1R indicates that the proposed Development Management Policies DPD will interpret the London Plan parking standards. At this strategic stage the CSDPD makes no clear-cut decisions about its parking policy. In my view Policy CS1R allows a degree of flexibility which will enable the Council to take into account particular local circumstances. I consider the CSDPD to be sound in this regard.

Main Issue 5 - Is the Council's approach to the development of private garden land justified?

46. Paragraph 36 of PPS3 states that, in identifying locations for housing development, priority should be given to land which has been previously-developed. An amendment to PPS3 made in June 2010 specifically removed 'private residential gardens' from the definition of 'previously-developed land'. In reflection of this change, paragraph 3.34 and Policy 3.5 of the London Plan confirm that the pan-London SHLAA made allowance for the fact that development of garden land would reduce by about 90% and that there is, therefore, no housing land availability obstacle to Councils developing LDF policies which seek to protect gardens from residential development where these policies are justified by a local evidence base.
47. The Council has proposed amendments to Overarching Policy Objective 9 together with Policy CS1B of the CSDPD and its supporting text by pre-Hearing change [PC2] and post-Hearing changes [PAC4, 8, 16, 20 and 61]. With these changes the CSDPD now contains a clear presumption against the development of all gardens. This is the culmination of a series of changes in emphasis which have been proposed by the Council. However, I am satisfied that, in this final form, the Council's intended approach is clear.
48. The Council has argued that, in the past, small housing developments have not contributed properly to infrastructure provision. However, I do not consider that this provides sufficient grounds to justify a policy which presumes against garden development. In my view this difficulty was more likely to have been a fault in the way in which Council policy was applied and drafted rather than anything inherently 'wrong' with garden development.
49. In further support of its position on residential garden development, the Council argues that it has produced locally based evidence which demonstrates that gardens contribute to the suburban and outer London character of the area and that they are an important wildlife habitat. It also draws attention to evidence which highlights the impact which development of open land has on the infiltration of surface water into the ground and the effect of this on the drainage network. I agree that these matters may be contributory factors in judging some individual proposals for garden development to be unacceptable. However, the borough is varied and I do not accept that the evidence is so clear as to demonstrate that, in all cases, the development of gardens would be unacceptably harmful to local character. In some cases the permitting of development may allow the imposition of conditions which could enhance biodiversity and which may improve drainage conditions. In these circumstances I do not consider that these factors by themselves would provide the evidence necessary to support a borough-wide policy which contains a general presumption against all development of garden land.
50. However, more persuasively, I have seen no clear evidence to refute the Council's case that the whole of the borough's housing requirement could be met on land which has been previously-developed. Some representors have argued that some of the Council's identified housing sites may not come forward in time to contribute to the 5 year housing land supply. However, this does not necessarily mean that non-brownfield land would need to be

brought forward to fill the gap. There is, therefore, no clear evidence to show that non-brownfield land including residential gardens would be required to meet housing needs. The Council's spatial strategy is one of concentration of development into those areas where services and facilities are most readily available, where regeneration benefits would be greatest and where developer contributions to infrastructure improvements could be most readily and justifiably 'pooled' to deliver the best overall benefits. Dispersal of development into the existing residential areas of the borough would run counter to this strategy.

51. I appreciate that, in the past and under the regime embodied in the Unitary Development Plan, garden developments were deemed acceptable and in many cases could be dealt with on their individual merits. However, the CSDPD's clear strategy of concentration and regeneration is a significant change in policy direction which, together with the government's changed position with regard to garden land development, justifies a different approach. The nature of the borough's environment gives ample opportunities for garden land developments, historically running at about 50 units per year which, if it were to continue at that rate, would amount to about 14% of the borough's annual housing requirement. A degree of dispersal of development is likely to arise from the inevitable development of smaller, more scattered, brownfield sites outside the Intensification Areas. If, in addition, the development of gardens is permitted, the degree of dispersal would be unacceptably harmful to the strategy of concentration. Because many garden developments would involve the provision of less than 10 dwellings, this diversion of development pressure would inhibit the Council's ability to secure the provision of affordable housing.
52. I accept that the latest emphasis of government policy is on growth. However, I am not persuaded that this should be at the expense of the type of uncontrolled growth which the sporadic and unplanned development of gardens would involve. In the light of the CSDPD's clear strategy of concentration, I consider that the Council has sufficient local evidence to support its presumption against dispersed garden development and that its strategy is justified.
53. I have noted the concerns raised by representors that a policy which presumes against garden development would damage the 'small house building' sector by reducing the traditional source of suitable sites. However, I am not persuaded that this provides sufficient grounds to consider the Council's strategy to be unsound. I accept that, in the past, garden land has been a rich source of sites for smaller developers but circumstances have changed. Other opportunities will arise e.g. sites which would not involve the loss of gardens, conversions, etc. and the house building industry will need to adjust to the new environment.
54. I appreciate that garden developments have often provided larger, family homes in the past. The demand for such properties will still exist and the challenge for the Council will be to provide them as part of the sites which it has identified for development. If there is an acute unmet need for family homes the opportunity is available to the Council to review its policies through the revised Monitoring and Implementation Strategy (see Main Issue 9 below). In some circumstances the shortage of such homes may

provide sufficient grounds for planning decisions to be made which are contrary to policy.

Main Issue 6 - Is the Council's approach to tall buildings, viewing points, design and the historic environment properly justified by the evidence base?

55. The Council accepts that the quantum of development which it proposes in the Intensification Area may mean that some tall buildings i.e. buildings of more than 30 metres in height, may be appropriate. In my view this is a reasonable assumption and, in the absence of supporting evidence, I do not consider that the CSDPD needs to include any statements about the standard of residential accommodation which would be provided by taller buildings. Such matters should be addressed as part of the consideration of design. The CSDPD sets out that the acceptability of tall buildings in the Intensification Area will be assessed through the AAP process and I heard evidence which indicated that this assessment exercise was currently underway.
56. A recent decision by the Secretary of State on a Section 78 appeal in respect of a tall building proposal at 51 College Road, Harrow which lies within the Intensification Area indicated that such a building on the site was acceptable in principle.
57. I accept that the construction of tall buildings can be a controversial issue particularly for those who have a particular interest in the character and appearance of the local environment. In my view the Council is following a proper course in having the area's potential for tall buildings assessed. This level of detail would not be appropriate for a Core Strategy and should properly be contained in a subsidiary DPD. However, the decision made by the Secretary of State cannot be ignored. The wording of the Submission version of the CSDPD does not reflect the fact that, having considered all of the evidence, the Secretary of State considered that a tall building was acceptable in principle on at least one site in the Intensification Area. The CSDPD's wording could be taken to mean that the whole issue of whether all tall buildings would be appropriate in the Intensification Area was subject to assessment.
58. Following discussions at the Hearings the Council has proposed changes to Policy CS2J and the text [PAC18, 36 and 38] to clarify that the principle of a tall building on the College Road site has been accepted and that the AAP assessment will assess whether 'any further' sites are suitable for such buildings. I do not consider that the issue of whether 'any further' sites will be identified has been pre-judged. I agree that these changes should be made to ensure that the CSDPD is properly justified. I do not agree that, to be sound, the CSDPD should go further in specifying that the building proposed on the College Road site was to be 19 storeys. In my view this would go too far in putting detail on what was an 'in principle' statement and may be construed as meaning that any 19 storey building would be acceptable on the site. It needs to be borne in mind that, whilst the Secretary of State was satisfied with the principle of a tall building on the site, no permission for the scheme was granted and that an acceptable balance between a 19 storey building and the quality of its architecture has

yet to be achieved. A change proposed by the Council [PAC36] makes clear that a tall building may be 30m or more in height. I am satisfied that the CSDPD need go no further.

59. Although the Council proposed changes to Policy CS1C and the text which contained a presumption against tall buildings in the borough outside the Intensification Area, it now proposes further changes [PAC18 and 21] to remove this presumption as it does not wish to exclude the possibility of an acceptable proposal coming forward. Whilst I accept that the general character of buildings in the area is somewhat lower than 30m, this does not, in itself, justify a presumption against all tall buildings and I have seen no clear evidence to suggest that taller buildings would be unacceptable in principle in parts of the borough outside the Intensification Area. The acceptability of such structures should be considered on their individual merits and I take the view that, in this regard, the Council should retain a degree of flexibility in its decision making. I support the proposed change to ensure that the CSDPD is properly justified.
60. Some representors expressed concerns that Policy CS1C implied that harm to established views was only likely to be caused by tall buildings. Clearly this is not the case and the Council has proposed a change to separate its strategy towards important views from its strategy towards tall buildings [PAC21]. I agree that the change should be made to ensure that the Policy is properly justified.
61. The existing Harrow Unitary Development Plan identifies a number of locations within the borough from where views of St Mary's Church on Harrow Hill and the high ground of Harrow Weald can be obtained together with a number of more general view points. I visited a number of these locations and I agree that that views of these higher points adds significantly to the general character of the borough. Changes proposed to paragraphs 4.17 and 6.7 of the CSDPD [PAC17 and 43] make clear that these identified views will be safeguarded and that opportunities for creating new 'visual links' between the town centre and Harrow Hill will be assessed and identified through the relevant AAP. With the changes proposed by the Council [PAC18], paragraph 4.18 makes clear that the assessment of sites in the Intensification Area with the potential to accommodate tall buildings will take into account both existing views and the opportunity to create new visual linkages. In my view, with the changes proposed by the Council, the CSDPD would provide a balanced and justified approach to tall buildings and views.
62. The Council has agreed a series of proposed changes to the policies and text of the CSDPD with English Heritage. In my view the CSDPD was, in the main, sufficiently robust with regard to the protection of historical assets without these changes. Except for changes to bring the essential text and policies into line with the terminology of national guidance [PAC3 and 22], I consider that the proposed changes add little with regard to the soundness of the document and that they are, in the main, unnecessary. Nonetheless, I endorse the changes which are proposed. I agree with the Council that no further change to Policy CS1F is necessary to draw out that open spaces may have heritage interest. Open spaces have many purposes and qualities

and to draw attention to one in particular confuses the Policy's purpose. Heritage interests are adequately protected by Policy CS1D.

Main Issue 7 - Is the Council's approach to Strategic Industrial Locations (SILs) and other industrial locations justified?

63. Policy 2.17 of The London Plan identifies SILs which are given strategic protection because '... their scale and relatively homogenous character means they can accommodate activities which elsewhere might raise tensions with other land uses.' The policy requires that LDFs should identify SILs and should develop local policies to protect their function and to enhance their attractiveness. The London Plan identifies 2 SILs in the borough: one at Honeypot Lane which is already largely developed and another at the Wealdstone Industrial Area within the Harrow and Wealdstone Intensification Area.
64. The 2 SILs in the borough are identified on the Key Diagram and on the plans showing the Harrow and Wealdstone, the Kingsbury and Queensbury, and the Kenton and Belmont Sub-Areas. However, the Council proposes a change to the CSDPD to make their identification more diagrammatic [PAC6, 29, 55 and 58]. Given that the Council's strategy in Policy CS10 may involve consolidation of the Wealdstone Industrial Area SIL which could reduce its overall size, I consider that this change is necessary to ensure that the CSDPD is fully justified by the currently available evidence. The change is likely to require a consequential change to the Proposals Map.
65. Changes proposed to Policies CS1N, CS10 and CS2E and paragraph 5.11 make clear that consolidation of both the Wealdstone Industrial Location and other local industrial and business use areas will be considered [PC3 and 10 and PAC25, 26 and 32] through the AAP. Given the forecast net contraction in the requirement for industrial floorspace in the borough, I consider that an approach which countenances some reduction in the amount of industrial land is sound. However, I do not consider that the requirement in paragraph 5.11 that consolidation proposals should secure the retention of the majority of the SIL should be deleted. Whilst it is accepted that the detailed study of 'consolidation' opportunities is not complete, if the majority of the SIL was released to non-industrial uses, the strategic protection offered by the London Plan is likely to be substantially undermined. In these circumstances I consider that the requirement should be retained.
66. The Council's objective of securing 'employment led' redevelopment as part of the consolidation of existing industrial areas in the Harrow and Wealdstone sub-area appears to be justified given the intention to maintain the integrity and viability of their employment use as part of a balance of uses in and around the location where development activity is to be concentrated [PC1]. To encourage 'mixed-use' developments in these locations could result in the introduction of entirely non-employment use developments which could undermine the ability of these areas to provide employment space in a flexible manner. Outside the Harrow and Wealdstone sub-area, the requirement for redevelopment to be 'employment led' does not apply. Appropriate redevelopment in these more 'remote' locations would assist in addressing any existing industrial land surplus.

67. The final part of paragraph 5.11 states that consolidation proposals will only be acceptable where '... they promote the comprehensive redevelopment of whole estates.' Whilst the Council's reasons for favouring comprehensive redevelopment are understandable, such a requirement may be unrealistic given that some estates may be in multiple ownerships. The Council has proposed a change [PAC32] which clarifies that opportunities for comprehensive redevelopment of estates will be explored through the AAP process and that, whilst comprehensive redevelopment will be the preferred option, it would not be a pre-requisite of consolidation.
68. With the proposed changes, the remainder of the text of paragraph 5.11, Policy CS1O and Policy CS2E are unambiguous in what they are seeking to achieve.
69. The Council proposes changes [PAC25 and 26] which will re-order Policies CS1N and CS1O to clarify the approach to SILs and other employment areas. I agree that the changes should be made to ensure that the policies are clearly justified.

Main Issue 8 - Is the Council's approach to the development of open space justified in all the circumstances?

70. The Council's figures, extrapolated from the PPG17 Open Space Study (LBH47), identify a deficiency in the quantity of all types of open space across the borough of about 117 ha. By the end of the CSDPD plan period the overall deficiency will rise to about 139 ha.
71. The Council's figures shows that it is only in the north western sub-area of the borough that any substantial surplus currently exists. The Council argues that the sub-area boundaries are somewhat arbitrarily drawn and that the accessibility of the population to facilities of various types is not restrained by the drawn boundaries.
72. Examination of the Study reveals that there is a surplus of parks provision in the northern sub-areas. However, the parks which exist in these areas are, in the main, located close to the boundaries with the southern and central sub areas where there is a deficiency in provision. Similarly, there is a surplus of outdoor sports space in the north western sub-area but the facilities which exist in that sub-area are located close to the boundaries with the north eastern and central sub areas where provision is more sparse. It would seem likely therefore that an examination made on a sub-area by sub-area basis is unlikely to give an accurate representation of the borough population's accessibility to open space. This would appear to be borne out by an examination of the catchments of the various open space facilities shown in the Study.
73. In these circumstances I agree with the Council the identification of surpluses in any sub-area should not be taken to mean that open space can be given up to development without there being unacceptable harm to the level of open space provision in the borough.
74. The Council's open space strategy as set out in Policy CS1F and the associated text in the CSDPD is that there is a presumption against any net loss of existing open space regardless of its ownership or accessibility. The

Council argues that, given the availability and price of open land, the existing deficiency in the quantity of open space is unlikely to be remedied if open land, even that which is in private ownership and is currently inaccessible to the public, is permanently lost to development. Whilst improvements to the quality of open space and to its accessibility by the public may be offered by developers in exchange for a loss of open space, the Council does not consider that the quantitative loss would be justified. Proposed changes to the text and the Policy [PC6 and PAC9] make clear that the only development which will be acceptable on open space will be small-scale facilities required to support the open space use. Reconfiguration of open space may be acceptable to secure qualitative improvements and/or improved access but only where the quantity of open space would not be reduced.

75. Given the existing deficiency in the provision of open space, the Council's position is understandable. The importance attached to open space provision by the Council is made clear in a proposed change to Policy CS2P [PAC40]. Whilst a developer may offer qualitative or access improvements, the loss of the open spaces would not be recoverable. The Council's policy of concentration of development is unlikely to result in developments which can make their own, full, on-site provision of open-space. It seems likely that in many cases this will need to be compensated for by commuted payments for the improvement of existing open spaces or the acquisition of land – including the open land which is in private ownership – to provide the necessary open space. If the quantity of available open space is reduced by development, the opportunities for additional provision of public space or the improvement of existing open space will be less. Those benefits which would accrue from permitting the loss of open space in terms of quality and access could be benefits which would equally accrue from requirements made by other 'brownfield' developments without there being the need to countenance any quantitative loss to secure them.
76. The Council's proposed change to Policy CS1F [PC6] which states that acceptable reconfigurations of open space should not involve any reduction in the quantity of open space makes the Council's position clear and ensures that that part of the Policy is interpreted in-line with the general presumption against open space loss.
77. Representors have argued that the Council's approach to parks should include a reference to the maintenance of a balance between 'quiet areas' and other uses. There is nothing in Policy CS1F which prevents the Council from seeking to provide or maintain 'quiet areas' as part of its overall strategy of seeking qualitative protection or improvement. I would expect the Council to take account of the needs of the whole population when considering proposals. I do not consider that a reference to 'quiet areas' is necessary to make the CSDPD sound.
78. In these circumstances I consider that the Council's approach to open space is justified by the evidence and is sound.

Main Issue 9 - Would the Council's Monitoring and Implementation Strategy provide a sufficiently robust basis for ensuring delivery of the DPD provisions?

79. The Submitted version of the CSDPD contains a Monitoring Strategy which identifies Specific Objectives, Indicators, Targets and Monitoring Intervals for each plan policy and the 4 Strategic Objectives. Whilst that Strategy would examine a wide range of Indicators, it is vague in the way in which these would be used to assess and measure delivery of the plan provisions and does not specify at what stage remedial action would be triggered by divergence from the plan provisions. The Strategy makes little mention of what remedial actions the Council would take if divergence was encountered. In these circumstances, I consider that the CSDPD, as originally submitted, was insufficiently robust to enable shortfalls against targets to be speedily recognised and to bring forward remedial actions in good time to ensure delivery of the plan provisions.
80. Following discussions at the Hearing sessions, the Council has proposed a substantial change to the CSDPD to address these concerns [PAC5, 28, 41, 45, 48, 50, 52, 54, 57, 59, 60 and 62]. The revised Monitoring Strategy sets out more clearly the way in which Indicators will be measured and sets out clear Targets which the CSDPD seeks to achieve. Where appropriate, the Targets are set out as a trajectory to enable assessments to be made throughout the plan period. Triggers in the form of unacceptable degrees of divergence from the Targets are introduced. In general the Triggers allow a balanced and proportionate approach and, where appropriate, avoid the need to react at the first sign of any divergence.
81. If delivery performance fails to meet the identified Triggers, this will set in motion newly-introduced Actions/Contingencies. In many cases these Actions/Contingencies do not provide specific responses to any given shortfall. However, the Council's view is that, until the reason behind the shortfall is properly identified, it would be imprudent to make assumptions about what remedial action would be appropriate. In my view the Council's approach is realistic. In many cases the Actions/Contingencies involve discussions with other parties who have an interest in delivery and in jointly devising remedial actions. In discussions at the Hearings the Council demonstrated that, in each case, it foresaw that a wide range of options would be considered. I agree with the Council that the proposed changes need to be made to ensure that the CSDPD is sound.

Legal Requirements

82. My examination of the compliance of the Core Strategy with the legal requirements is summarised in the table below. I conclude that the Core Strategy meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Council's fourth version of its LDS became effective in January 2011. The Core Strategy is identified within the LDS which sets out an expected adoption date of February 2012. The Core Strategy's

	content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The Council's SCI was adopted in 2006 and consultation since that time, including consultation on the Pre-Hearing Proposed Changes (PC and PMC) and the Post-Hearing Changes (PAC and PAMC), has been compliant with the requirements therein. I am satisfied that consultation have been undertaken in accordance with the SCI
Sustainability Appraisal (SA)	SA has been carried out at each stage of preparation of the CSDPD. This has been reviewed in the light of the Council's proposed changes. I am satisfied that it is adequate.
Appropriate Assessment (AA)	The Habitats Regulations Report (April 2010) (LBH17) sets out why AA beyond task 1 (screening) is not necessary. The Council has re-appraised the matter in the light of the proposed changes and that view is unchanged.
National Policy	The Core Strategy complies with national policy except where indicated in my Report but appropriate changes are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the adopted SCS.
2004 Act and Regulations (as amended)	The Core Strategy complies with the Act and the Regulations.
The London Plan	The Core Strategy is in general conformity with the London Plan.

Overall Conclusion and Recommendation

83. I conclude that with the changes proposed by the Council set out in Appendix A the London Borough of Harrow Core Strategy DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore I recommend that the plan be changed accordingly. For the avoidance of doubt, I endorse the Council's proposed minor changes, set out in Appendix B.

Roland Punshon

Inspector

This report is accompanied by:

Appendix A: Council Changes that are necessary to make the DPD sound.

Appendix B: Council's Minor Changes.

Appendix C: Council's Changes to the CSDPD's Monitoring Strategy tables – see Changes PAC5, 28, 41, 45, 48, 50, 52, 54, 57, 59 and 60 in Appendix A.

Appendix A

Pre-Hearings and Post Hearings Changes proposed by the Council which are necessary to make the CSDPD sound

Appendix B

Pre-Hearings and Post-Hearings Minor Changes proposed by the Council

Appendix C

Proposed Change PAC5, 28, 41, 45, 48, 50, 52, 54, 57, 59 and 60

Changes proposed by the Council to the Monitoring Strategy tables of the
CSDPD