

SECTION 1 – MAJOR APPLICATIONS

Item: 1/01

**ELIOT DRIVE, DRINKWATER ROAD & P/1905/09/RH/MAJ
COLES CRESCENT, RAYNERS LANE
ESTATE, HARROW, HA2 0TR**

Ward

ROXBOURNE

CONSTRUCTION OF 135 RESIDENTIAL DWELLINGS AS PART OF THE RAYNERS LANE ESTATE REGENERATION COMPRISING 5 X 5 BED HOUSES 27 X 4 BED HOUSES 46 X 3 BED HOUSES 41 X 2 BED FLATS AND 16 X 1 BED FLATS; NEW ACCESS ROAD RE-ALIGNED FOOTPATHS PROVISION OF 157 CAR PARKING SPACES, CYCLE PARKING AND BIN STORES

Applicant: HOME GROUP

Agent: MEPK ARCHITECTS

Statutory Expiry Date: | 23-NOV-09

This application was deferred from the 04/10/2009 Planning Committee meeting to allow Members to undertake a site visit. This deferral has also enabled the applicant to submit further detail of proposed landscaping within the scheme. This updated landscaping scheme seeks to maximise the provision of landscaping within the site to soften the residential environment, and is reflected in the assessment within this report.

RECOMMENDATION

INFORM the applicant that:

1. The proposal is acceptable subject to
 - a) the completion of a legal agreement within 6 months of the date of the Council's decision, to include the following Heads of Terms:
 - i) Affordable Housing Provision: the provision of 86 social rented dwellings and 17 intermediate units the affordable units to be managed by an RSL subject to a nomination in agreement with the Council.
 - ii) S 278 agreement to be made in respect of all works to the adopted highway
 - iii) Provision, retention and maintenance of Swift Close open space including specification and timescales for the provision of the Local Area of Play and Local Equipped Area of Play and arrangements for future maintenance of such areas.
 - iv) Development shall be constructed to meet level 3 for the Code of Sustainable Homes
 - v) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.
 - vi) Planning Administration Fee: Payment of £500 administration fee for the monitoring of and compliance with this agreement.
2. A formal decision notice to GRANT permission for the development described in the application and submitted plans and materials, subject to planning condition[s] will be issued upon completion by the applicant of the aforementioned legal agreement.

REASON

As one phase of the wider site redevelopment, the proposed development would contribute to the regeneration of the Rayners Lane Estate through replacement of existing poor quality housing stock. The proposal would deliver a mix of large family houses and a smaller number of one and two bedroom flats to address the specific housing needs of the Rayners Lane Estate, in accordance with London Plan policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.7, 3A.8, 3A.9 and HUDP policies EP20, H7.

The reconfigured layout of the site to provide three new roads, a new primary route and home zones would improve permeability within and across the site. The new open space and play facilities would promote the importance of play through good quality, secure and stimulating play provision in accordance with Harrows Play Strategy and London Plan SPG Providing for Children and Young Peoples Play and Informal Recreation.

The proposed development would provide a modern contemporary design that responds appropriately to the local context, and would provide appropriate living conditions for the future occupiers of the development. Given the layout of the proposed development and separation to shared boundaries, the impact upon residential amenity in surrounding areas is considered to be acceptable. Having regard to national planning policy, and the policies of the development plans listed below, the proposed development is therefore considered to be acceptable.

National Planning Policy:

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS9 Biodiversity and Geological Conservation
PPG13 Transport

London Plan:

3A.1 Increasing London's supply of Housing
3A.2 Borough Housing Targets
3A.3 Maximising the potential of sites
3A.5 Housing Choice
3A.6 Quality of new housing provision
3A.8 Definition of affordable housing
3A.9 Affordable housing targets
3A.10 Negotiating affordable housing in individual private and residential and mixed-use schemes
3A.11 Affordable housing thresholds
3D.13 Children and Young Peoples Play and Informal Recreation Strategies
4A.1 Tackling climate change
4A.2 Mitigating climate changes
4A.3 Sustainable Design and Construction
4A.4 Energy Assessment
4A.6 Decentralised Energy: Heating, Energy and Cooling
4A.7 Renewable Energy
4A.8 Hydrogen Economy
4A.9 Adaptation to Climate Change
4A.1 Tackling climate change
4A.3 Sustainable design and construction

- 4A.4 Energy Assessment
- 4A.6 Provision of heating and cooling networks
- 4A.7 Renewable Energy
- 4B.1 Design principles for a compact city
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, security and fire prevention and protection

SPG Housing
SPG Children and Young Peoples Play and Informal Recreation

Saved Policies of the London Borough of Harrow Unitary Development Plan [2004]:

- S1 The Form of Development and Pattern of Land Use
- EP20 Use of previously developed land
- EP25 Noise
- EP27 Species Protection
- EP28 Conserving and Enhancing Biodiversity
- EP29 Tree Masses and Spine
- EP30 Tree Preservation Orders and new planting
- T6 The transport Impact of Proposals
- T11 Cycle and Motor Cycle Parking in Public Spaces
- T13 Parking Standards
- D4 The standard of Design and Layout,
- D5 New Residential Development –Amenity Space and Privacy
- D9 Street side Greenness and Forecourt Greenery
- D10 Trees and New Development
- H7 Dwelling Mix
- C16 Access to Buildings and Public Spaces
- C18 Special Mobility Requirements and Access to Transport

Supplementary Planning Document Access for All [2006]
Supplementary Planning Document Accessible Homes SPD [Apr 2006]
Sustainable Community Strategy [Mar 09]
Supplementary Planning Document Sustainable Building Design [May 2009]

Background

Rayners Lane Estate was originally built in the 1960s and was the largest local authority flatted estate in Harrow, occupying 17ha and comprising 680 dwellings of which 518 were social rented homes, 75 leasehold flats and 87 freehold houses (which had been acquired under right to buy).

In 2001, a masterplan was developed for the regeneration of the estate. The masterplan was designed in consultation with the residents of the estate and sought to address the perceived deficiencies of the existing layout.

An outline planning application was submitted and approved in 2002 for the demolition of all resiform blocks of flats and replacement of 450 new homes for rent and a further 285 properties for private sale to subsidise the regeneration of the estate.

The application also included the retention and refurbishment of 68 dwellings, the construction of a new community centre, new open green space and re-provision of a Teenage Friendly Zone.

A transfer ballot was held in 2002 and 76% residents voted to transfer the estate to the Home Group on the basis of the master plan.

Revisions were made to the masterplan in 2006 and a new outline application was submitted in 2008 to capture all the changes to the original permission. The current application proposes to provide all of the remaining affordable units [86 social rented dwellings and 17 intermediate dwellings] on the site that were proposed in the 2008 outline planning application P/0431/08/COU and to provide an element of private housing [32 one and two bedroom flats] for sale. The outstanding phases of development for the regeneration of the Estate would be dealt with as a separate planning application(s) and would comprise the remainder of the 205 private units and 8 affordable units from the original schedule of development.

MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).

- 1) Principle of Development (3A.3, 3A.15)
- 2) Affordable Housing (3A.9, 3A.10)
- 3) Housing Density and Unit Mix (3A.2, 3A.3, 3A.5, 3A.6, 3A.7, 3A.8)
- 4) Design and Character of Area (4B.1, 4B.5, D4, D5, D10)
- 5) Living Conditions for Future Occupiers (D4, D5, 4B.1)
- 6) Open Space and Landscape Setting (EP48, D4, D9, D10)
- 7) Neighbourhood Amenity (D5, EP25)
- 8) Parking and Highway Safety (3C.23, T6, T13)
- 9) Accessibility (3A.5, 4B.5, D4, C16, SPG)
- 10) Sustainability – Energy Demand and Water Resources (4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7)
- 11) S17 Crime & Disorder Act (4B.1, 4B.6, D4)
- 12) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type:	Major development	
Site Area:	2.37 ha	
Density:	60 dph	220 hrph
Car Parking:	Standard:	168
	Justified:	157
	Provided:	157
Lifetime Homes	135	
Wheelchair Easily Adaptable	13	
Council Interest:	None	

b) Site Description

- The 2.37ha application site is located within the wider [15.43 ha] Rayners Lane Estate, in the southern half of the Estate. The triangular shaped site area of the Estate is bound to the west by Rayners Lane, Coles Crescent to the south, Goldsmith Close and Scott Crescent form the eastern site boundary. Karma Way a new road links Goldsmith Close to Rayners Lane. Maryatt Avenue and Eliot Drive extend along the middle of the site providing access from Rayners Lane to the west through the site to Welbeck Road to the east of the Estate. Goodwill Drive, a new through road provides a link between Goldsmith Crescent and Rayners Lane where it adjoins Oxleay Road. Providence Avenue, a new internal road runs north south linking Goldsmith Road and the newly formed Goodwill Drive. The Piccadilly Tube Line extends along the length of the eastern site boundary.
- The site is formed from two separate areas within the wider estate. Site one includes Drinkwater Road, the properties on the south side of Eliot Drive and the eastern corner of Swift Close and the open space between Drinkwater Road and Swift Close. Site two includes the eastern most corner of the Estate, the properties on the southern side of Coles Crescent.
- At present, the existing development on the site (eleven four-storey blocks of flats and two storey terrace properties) are being demolished.
- The site is bound by Eliot Drive to the north of the site which comprises mix of two storey semi-detached properties and terrace houses. A four storey block of flats and a short two storey terrace adjoin the north eastern half of the site presenting front to Coles Crescent and Drinkwater Road respectively. Two four storey block of flats, no's 1-14 and 15-38 Swift Close, and two storey terrace properties no's 35 to 55 Coles Crescent adjoin the southern site boundary. The Coles Crescent properties, no's 56-103, that adjoin the south eastern half of the site are currently under construction following an earlier development phase approval. This development provides 13 houses ranging from 2-3 storeys in height and one 4-storey block to provide 8 flats and 23 parking spaces. The three two-storey houses provide a transition from the neighbouring two storey terrace houses along the western part of Coles Crescent and the new development to the eastern end of Coles Crescent [mix of three storey house and four storey blocks of flats].
- The rear gardens of properties on Thornley Drive, Roxeth Green Avenue and Fentiman Way adjoin the southern and south eastern boundaries of the site.
- There are six vehicular access routes into the estate, five of which are accessed via Rayners Lane to the west of the estate, with the remaining access under the viaduct via Welbeck Road,
- South Harrow LUL station is located to the south of the site and Rayners Lane LUL station is to the north.
- The site has a public transport accessibility level of between 1a and 3, which varies across the site.
- Outline planning permission was granted in 2002 for the overall regeneration of the Rayners Planning Estate.

c) Proposal Details

- Full application for Construction of 135 dwellings comprising 78 houses and 57 apartments

- The 78 houses (5 x 5 bedroom houses, 27 x 4 bedroom houses and 46 x 3 bedroom houses) are comprised of a mix of three storey town houses, two and half storey (accommodation in the roof space with dormer windows) houses and two storey houses (with accommodation in the roof and velux windows)
- The scope of the proposal has been amended through the course of the application to remove, block 2, one of the six blocks four storey apartment blocks. Block 2 was located between two three-storey terraces [plots 93-98 and 107-109] along Swift Close. This block accommodated 8 affordable housing units. This has now has been deferred to a subsequent development phase and will be subject to a further planning application. As a result of this revision five x four-storey blocks of flats are proposed to accommodate the proposed 57 flats (41 x 2 bed flats and 16 x 1 bedroom flats).
- A new east - west access road is proposed through the middle of the site to link the existing eastern and western sections of Drinkwater Road (that are currently not connected),
- Within the site, three new internal roads are proposed, two extending north/south linking Eliot Drive and Drinkwater Road and one linking the development in the eastern corner of the site to Coles Crescent.
- Three home zones are proposed, this will include the existing road around Swift Close open space, and two of the new internal roads
- Provision of new public open space, approximately 1000m² that will accommodate/incorporate Local Area of Play (LAP) and Local Equipped Area of Play (LEAP) is to be provided for 2-5 year olds and 4-8 years olds respectively.
- This phase of the overall development would provide all of the remaining affordable accommodation required to re-house previous residents who have currently been decanted to alternative accommodation during the regeneration of the Estate.

d) Relevant History

LBH/2779/1	Erection 14 three storey flats, a community centre and 6 shops with 6 flats over	GRANTED 04-JUN-68
LBH/2779/2	Erection 13 Three storey blocks of flats community centre 6 shops with 6 flats over, garages and parking spaces (revised)	GRANTED 30-OCT-69
WEST/112/02/OUT	OUTLINE: Regeneration of estate including demolition of 515 flats and maisonettes and construction of 329 houses and 406 flats with parking, community building, estate office/shop and provision of public open space, with play areas and new road layout	GRANTED 16-OCT-02
P/1602/07	Details required by condition 10 (samples of materials) of planning permission ref: WEST/112/02/OUT	GRANTED 23-JUL-07

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P/1610/07	Details of surface water disposal and surface water attenuation required by conditions 13 & 14 of planning permission ref: WEST/112/02/OUT	GRANTED 04-JUL-07
P/1625/07	Details of levels required by condition 9 of planning permission ref: WEST/112/02/OUT	GRANTED 24-JUL-07
P/0813/08/DDP	Details of boundary treatment required by condition 3 and samples of external surfaces required by condition 10 of planning ref: WEST/112/02/OUT	GRANTED 18-APR-08
P/1341/07	Approval of reserved matters for open space pursuant to permission P/112/02/OUT	GRANTED 23-JUL-08
P/2669/08	Approval of details of condition 4 (access carriageway to base), 5 (hard & soft landscaping) and 6 (existing trees/tree protection) of planning permission WEST/112/02/OUT	GRANTED 16-OCT-08
P/0431/08/COU	OUTLINE: Redevelopment of Rayners Lane Estate (Area bounded by Rayners Lane, Maryatt Avenue, Coles Crescent, Eliot Drive and Austen Road, Phases E to H) to provide 162 Houses, 177 Flats, car parking, public open spaces and new access/pedestrian access	GRANTED subject to completion of S106 agreement
P/0735/09	Redevelopment to provide 13 houses ranging from 2-3 storeys in height and one 4-storey block to provide 8 flats and 23 parking spaces	GRANTED 06-AUG-09
P/1550/09	Approval of conditions 3, 5, 6, 9, 10, 13 and 14 pursuant to planning ref: P/1341/07	APPLICATION RECEIVED

e) Pre-Application Discussion

- The applicant undertook formal pre-application discussions with the Planning Department. The application is consistent with the discussion.

f) Applicant Statement

The regeneration of Rayners Lane Estate has been ongoing since 2001. There have been two separate outline planning application for the development plus a masterplan review. Also extensive consultation with residents and stakeholders have been undertaken regarding the regeneration works.

The main reason for this application is that there have been changes to the delivery of the remaining housing at Rayners Lane due to the economic downturn. The regeneration of Rayners Lane Estate is cross-subsidised by the sale of private housing, unfortunately the down turn in property market has had a major impact on the ability of Home Group to deliver the remaining regeneration works.

Consequently a different approach had to be taken to ensure that the affordable housing provision was delivered.

Home Group has submitted a grant funding application to the Homes and Communities for this current application and which has been accepted in principle. Big phase E is comprised of sites that were previously referred to as Phase E, Phase G2 and part of Phase F and is based on principles that came out of the masterplan review and were established in the outline planning application design for phases E to H.

The scheme represents an opportunity to improve and enhance Rayners Lane Estate by creating a better mix of dwellings, a more vibrant streetscape, enhanced landscaping and a quality design that responds to the constraints and opportunities of the site.

The design strategy for Phase Big E has been established to encompass principles of street hierarchy, movement, townscape, scale and appearance. In this way, the design can be broken in scale to a network of neighbourhoods, each with distinct character. A further objective of the design has been to provide housing choice to the residents, build a sustainable community with strong identity and sense of place.

g) Consultations:

Environment Agency (27/10/2009): I refer to an email dated 15 October 2009 from Mike Peachey containing an addendum to the flood risk assessment (FRA) submitted with the application P/1905/09. Having reviewed the information submitted we have the following comments: REMOVE OUR OBJECTION as stated in our letter dated 14 September 2009. The inclusion of the green roofs to the development is a great addition and will add to the development by enhancing biodiversity and plays a part in the management of surface water. The proposed development will only be acceptable if a planning condition is imposed requiring the following drainage details.

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme must include the following measures as detailed in the approved Flood Risk Assessment (FRA) (Gemma BDS Ltd, August 2009 and the FRA Addendum dated October 2009): Surface water discharge from the site to be restricted to 10 l/s/ha; Green roof area totalling no less than 1400 sqm to be installed on 6 blocks of flats; Permeable paving to be incorporated as part of a Sustainable Drainage System.

Reason To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

Environment Agency (14/09/2009): In the absence of an acceptable Flood Risk Assessment (FRA) we OBJECT to the grant of planning permission and recommend refusal on the basis that the FRA submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:-

1. Take the impacts of climate change into account correctly - as the development is residential the allowance for climate change should be an additional 30% on rainfall intensities, not 20% as stated in the FRA. The PPS 25 Practice Guide (section 3.88) makes it clear that 100 years is the recommended lifetime for residential development, therefore a climate change allowance of 30% must be added.
2. Make optimum use of sustainable drainage systems - in line with Annex F of PPS 25, policies 4A.11 and 4A.14 of the London Plan and the recommendations of the Harrow SFRA. The applicant should look at options including ponds, basins, green roofs and swales.

Thames Water Utilities: No response received to date.

Advertisement: Major Development Expiry: 15-SEP-09

Notifications:

Sent: 275 Replies: 1 Expiry: 30-NOV-09
Properties in Maryatt Avenue no's 2 – 48 (evens), Coles Crescent no's 58, 60, 112A, 9 -55 (odds), 10-26 (even), Swift Close no's 1 -38 (cons) , Drinkwater Road no's 1- 19, Eliot Drive no's 1-23 (odds), Thornley Drive no's 1-12 (cons), Roxeth Green Avenue no's 75 – 101 (odds includes 93A) and Fentiman Way no's 1-22, Annan Court no's 1-24, Concord Terrace, 1-25 (cons) Concord Terrace, , Austen Road 1 – 29, Day Care Centre, Youth Centre Coles Crescent, Cerise Court no's 1-16 Drinkwater Road, Unity Terrace No's 35-54 Scott Crescent were consulted.

Summary of Response:

In favour of the principle of the rebuild and improvement of the estate but have the following objections: Two many people living in small area, overshadowing, overlooking into kitchen and garden, noise from additional units, inadequate parking provision, tall building unsightly, overdevelopment.

APPRAISAL

1) Principle of Development

The principle of regeneration of the Rayners Lane Estate was established in 2002 through the approval of the outline planning application WEST/112/02. The proposal was supported at a strategic planning policy level, as it provided an increase in housing [220 additional units] at appropriate levels of density and replaced and improved existing levels of affordable housing.

This permission established the demolition of the existing three and four storey apartment blocks on site and the revised layout of estate to provide a total of 735 new dwellings [450 new affordable homes for rent, refurbishment of 68 rented properties and 285 new homes for private sale].

A second outline planning application P/0431/08 was submitted and recommended for grant subject to completion of a legal agreement in 2008. The application proposed an increase in the overall number of dwellings on the estate by 57 (to a total of 792 units) and sought revisions to the layout of the development within the southern half of the site (including all of the current application area). The increase in unit numbers was a result of demolishing properties in Coles Crescent that were originally intended for refurbishment rather than replacement. The changes to the site layout followed engagement with the local community and other stakeholders.

While this current application is a full application, it is consistent with the principles established in the earlier outline applications. The housing provision on this site would be within the overall quantum of development approved at the earlier stage. The remaining development phase that would follow this phase, would be subject to a further full application and the applicant has advised that this would provide the balance of the overall 792 units.

The proposed development remains consistent with relevant development plan policy (in the form of London Plan policies 3A.3 and 3A.15), in that it contributes to the overall regeneration of the Estate, providing an increase in overall residential unit numbers on the Estate and renewing and improving the housing stock within the Estate.

2) Affordable Housing

London Plan policy 3A.9 states that affordable housing targets should be based on an assessment of regional and local housing need and a realistic assessment of supply and should take account of the strategic target that 35% of housing should be for social renting and 15% for intermediate provision (50% overall affordable housing provision target); and the promotion of mixed and balance communities.

London Plan policy 3A.10 requires boroughs to seek the maximum reasonable amount of affordable housing; having regard to own overall target for affordable housing.

This phase of development would provide the all but 8 of the remaining affordable housing provision for the Estate comprising 86 social rent and 17 intermediate affordable units, and 32 units for private sale. This is equivalent to 72% affordable housing provision on this phase.

While this application significantly exceeds the London Plan affordable housing target, it should be recalled that this is one phase of a wider development of the Estate and that the remaining phases would comprise the remaining 8 affordable housing units and 205 private units in line with the original permission for the Estate. Overall, the Estate regeneration will provide a total of 491 affordable units and 301 private units.

3) Housing Density and Unit Mix

London Plan policy 3A.5 requires new development to provide a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.

London Plan policy 3A.6 requires new development to take account of the design and construction policies set out in Chapters 4A and 4B, and the density requirements of policy 3A.3 and their implications for bedroom numbers per dwelling.

Target guidance ranges for the density of new residential development are specified in Table 3A.2 Density Matrix of the London Plan. The density guidance ranges specified in this table are related to the site location setting, the existing building form and massing, the indicative average dwelling size, and the Public Transport Accessibility Level (PTAL) of the site.

The proposed development would have a residential density of 60 units per hectare and 220 habitable rooms per hectare. This density is consistent with the London Plan guidance for the form, type, location and accessibility of the scheme.

The proposed unit mix within this phase of development has been established in consultation with the Council’s Housing department, residents of the estate and in response to market demand.

As detailed below, the proposed housing mix boasts a heavy provision of large family housing, to meet the defined needs of the area and the needs of the previous Estate tenants that are waiting to be re-housed. This mix is considered to be a desirable combination of large family social rent housing complemented with smaller one and two bedroom intermediate and private units. Accordingly, this is considered to be acceptable.

Table 1. Proposed Housing Mix

	Social Rent	Intermediate	Private	Total
One bed	5	4	7	16
Two Bed	3	13	25	41
Three bed	46			46
Four bed	27			27
Five bed	5			5

4) Design and Character of the Area

PPS 1 recognises the importance of the planning process in enhancing the built environment and encouraging high design. To meet this aim, PPS1 requires new development to respond to the local context and to create or reinforce local distinctiveness. London Plan policy 4B.1 seeks to ensure that new development promotes high quality inclusive design, create or enhance the public realm and respect local context, history, built heritage, character and communities.

Explanatory paragraph 4.10 of Policy D4 Harrow Unitary Development Plan 2004 (HUDP) states that ‘development should be designed to complement their surroundings and have a satisfactory relationship with adjoining buildings and spaces.

Policy D4 explanatory paragraph 4.11, states that 'buildings should respect the form, massing composition, proportion and materials of the surrounding townscape'.

The redevelopment of the site proposes a complete revision to the existing layout, involving the provision of new roads, implementation of a street hierarchy and character areas creating avenues, home zones, residential squares and courtyards. The scale, design, style of building, landscaping and spaces would define these areas while providing increased permeability within the wider estate.

The scale of development has been designed to complement and respect the built form and scale of the earlier phases of development on the estate and the original dwellings that have been retained on the site. Where the development adjoins existing buildings, the scale of development increases or decreases to respond to the existing form of development. The development proposed in this phase does not exceed the development parameters set by the earlier phases.

Three-storey townhouses are proposed around the perimeter of the Swift Close Open Space to provide an appropriate setting for the space itself.

Two and a half storey houses with a high eaves level, a two storey bay window and dormer window feature are proposed along main streets and avenues. It is intended that the combination of these design features would create a streetscape of taller buildings with a regular rhythm and vertical emphasis that reflects and is consistent with this location.

Two storey houses with a low eaves levels and an in-line velux style window are proposed along the homezone streets. Projecting oriel windows at first floor level or single storey bay windows are used as architectural features. The desired effect is to provide a smaller, more intimate, scale that is more appropriate to the shared (road) surface areas.

The design of the four storey flatted blocks incorporates a flat roof and comparatively lighter weight materials at the upper storey level to reduce the apparent scale of these buildings. Notwithstanding this design treatment, it is not considered that the four storey scale would be out of place amongst the already redeveloped parts of the wider site, or the two and a half and three storey houses proposed within this phase.

A four storey block adjacent to the open space has been designed with a feature tower on the corner of the building to act as a landmark that is visible from the wider estate and provides a focal point to the open space. The proposed site layout follows earlier phases of development. Whilst providing a more intimate streetscape, with new homes arranged in close proximity to the roadway, each street provides substantial on street parking on either side, interspersed with street trees. Some concerns were previously expressed regarding the potential for the street to appear dominated by parked cars and the submitted planting proposals were considered inadequate to address this.

Following deferral of the application from the 4th November 2009 committee, the applicant has sought to address these concerns through discussions with the Council's Landscape Architect and the submission of a revised landscaping scheme. The revised landscaping scheme has effectively doubled the provision of the soft landscaping, additional planting is proposed in the form of street trees, garden trees, shrubs and the provision of private gardens or planting areas to the front of ground floor flats and houses. The additional greenery is considered to reduce the impact of parked cars in long views, enhance the biodiversity of the site and provide an improved setting of the suburban development.

Whilst noting the concerns expressed about scale and character in the representation received overall, the scale and design of the proposed development is considered to be appropriate for both the site and in relation to the wider site development context, in accordance with the relevant policy guidance.

5) Living Conditions for Future Occupiers and Public Open Space

Policy D5 of the Harrow Unitary Development Plan 2004 requires new residential development to provide adequate amenity for future occupants. This is also a requirement of policy D4 of the Plan.

London Plan Policy 3D.13 seeks to ensure that children have safe access to good quality, well designed, secure and stimulating play and informal recreation provision. London Plan Supplementary Planning Guidance: Children and Young Peoples Play and Informal Recreation, requires well designed play and recreation space for every child to be accommodated in new housing development. Specifically, appropriate and accessible facilities within 400m for 5-11 year olds or within 800m for 12 plus age group alternatives are recommended.

The London Borough of Harrow Play Strategy [2007-2012] seeks to ensure that new development recognises and addresses the importance of incorporating good quality, inclusive, safe and stimulating play spaces.

The majority of the proposed residential units would be provided as houses, providing a desirable mix of larger family units. These houses would all be provided with private rear gardens of varying sizes. While there is limited separation between some of the houses, overlooking between houses has been minimised through management of window positions. The limited separation also compromises the outlook of some houses, but this is not considered to be to an unacceptable extent that would notably compromise the living conditions of any unit. All of the units would be expected to receive adequate levels of daylight/sunlight. The living conditions of the houses are therefore considered to be acceptable.

Similarly, it is also considered that the proposed flatted units within the blocks would benefit from appropriate levels of privacy, outlook and daylight/sunlight.

All the houses would benefit from private rear gardens, of a minimum of 45sqm. The units within the flats would be provided with access to balconies on the upper floors, and private courtyards at ground floor level. Occupants of block no. 3 would also have access to communal garden space.

The revised landscaping plan removes the community garden space to the rear of block no 5 to provide private gardens for the ground floor units. The small courtyards of the Swift Close ground floor units are to be increased in size to extend around the street frontage of the four units.

In addition to the private space provided for the units, a neighbourhood amenity space of 1000sqm would be provided within the site, bound by Swift Close and Drinkwater Road. A local area of play [LAP] for 2-5 year olds and local equipped area of play [LEAP] for 4-8 year olds are proposed within this public open space. The detailed design and layout of the LEAP and LAP are recommended to be secured by condition. A teenage friendly zone [for 9- 17 year olds] and a park, adjacent to the Beacon Community Centre in the middle of the Estate, have been approved and are currently under construction in line with the reserved matters application for open space planning ref: P/1341/07 pursuant to outline application WEST/112/02/OUT, and are now close to completion. The new layout, and in particular the two internal roads linking Eliot Drive with Drinkwater Road, increases permeability across the application site and wider Estate, providing a direct link from the north half of the Estate to the open space [LEAP and LAP]. The proposed open space provision would complement and enhance the existing open space and formal recreation provision on the Estate and would cater for all ages in accordance with London Plan policy, SPG guidance and the London Borough of Harrow Play Strategy.

6) Open Space and Landscape Setting

Policy D4 of the HUDP identifies the importance of landscaping as part of the overall design of a site. Policy D9 seeks to achieve and retain a high quality of street side greenness and forecourt greenery and Policy D10 seeks to achieve a balance between the design, bulk and siting of new buildings and the retention of as many trees as possible.

Consistent with the nature of the site redevelopment, approximately two thirds of the 57 existing trees on the site are proposed to be felled. Detail of the site landscaping strategy has been submitted with the application, which provides an overview of the proposed landscaping scheme for the site. Trees and soft landscaping is integrated as part of the site layout, in particular the planting of trees along the main avenues [Eliot Drive and Drinkwater Road]. The trees define spaces for parking and form part of the traffic management of the site. Landscaping within the home zones would be less formal. However, this would contribute to the home zone character of the area and the setting of the blocks of flats.

The Landscape Strategy for the site includes a 1000sqm open space area, which would accommodate a LEAP (local equipped area of play) and a LAP (local area of play) for the wider Estate.

In addition to the landscaping strategy, a revised landscaping scheme has been submitted increasing the level of soft landscaping on the site and greater detail of planting within the Home Zones. The increase in planting and provision of street trees is welcomed and has been agreed with the Council's Landscape Architect.

The Council's Landscape Architect considers that this strategy is acceptable in principle. Conditions requiring details of hard and soft landscaping of the site and the detailed design and layout of the proposed LEAP and LAP are recommended to ensure the landscaping enhances the character and appearance of the development and the wider Estate.

The Ecological Report submitted with the application does not identify any ecological constraints on the site. Harrow's Biodiversity Officer has commented on the report and considers that green or brown roofs should be included where possible and that insitu bird or bat boxes could be provided on site increasing the ecological value of the site. Green roofs are now to be provided on the five blocks of flats. The applicant is also looking at incorporating bird and bat roosts within the development, this addition would also enhance the ecological value of the site with respect to achieving Code for Sustainable Homes level 3 and is recommended to be secured by condition.

The landscaping strategy submitted with this application is considered to be acceptable, subject to further detail being submitted by condition, in accordance with London Plan Policy 3D.15 and HUDP policies D4, D9 and D10.

7) Neighbourhood Amenity

Policy D5 of the Harrow Unitary Development Plan 2004 requires new development to protect the amenity of occupiers of surrounding buildings. Policy EP25 of the Harrow Unitary Development Plan seeks to minimise noise disturbance, and states that development proposals that would lead to unacceptable level of noise, vibration or disturbance will be refused.

The scale of the proposed development is limited to two, three and four storeys, which limits the potential extent of the impact on neighbouring properties.

A short terrace of three, two and half storey houses [plot 1, 2 and 3] are proposed along the western end of Eliot Drive where the site adjoins the rear site boundaries of pairs of semi-detached properties fronting Maryatt Avenue. The proposed houses would measure 11m in depth and would taper away from a ridge height of 9m to an eaves height of 5.5m at the rear of the house. The house [plot 1] adjoining the rear site boundaries of no's 32 and 30 Maryatt Avenue would be positioned a minimum of 1m from the shared property boundary and minimum of 13m from the rear elevation of the adjoining Maryatt Avenue properties. The new house would extend the width of the rear garden of no 20 Maryatt Avenue however, it is considered the sloping element of the two and half storey house would minimise the bulk of the house. Furthermore, as the Maryatt Properties sit at an angle from the proposed houses the outlook from the rooms at the rear of the existing properties would not be unacceptably compromised. No windows are proposed along the flank elevations of the new house.

Plot 26, 27 and 28 also two and half storey houses sit perpendicular to plots 1-3 fronting the new internal road linking Eliot Drive to Drinkwater Road adjoin the rear properties boundaries of no's 28, 26 and 24 Maryatt Avenue. A minimum distance of 10m increasing to 15m is provided between the rear elevation of the new houses and the shared boundaries with Maryatt Avenue properties.

A minimum distance of 28m is proposed between first floor windows. The room in the roof is single aspect facing the road frontage. The new houses are positioned a sufficient distance from the existing development not to result in loss of outlook, sense of enclosure or natural daylight or sunlight.

Plot no's 5 and 6, two and half storey houses 3 bedroom houses (single storey additions) are located to the north of plots 26-28 and although not adjoining the Maryatt Avenue properties would be visible from these properties. The houses, although a minimum 38m from the rear elevations of the Maryatt Avenue properties have been designed with the habitable rooms on the upper floors facing the street to prevent overlooking of the new houses within the site and the existing houses adjoining the site.

Plot no 38 forms a pair of, semi-detached two-storey dwellings with a single storey rear addition with plot 39. The pair of semi's adjoin the rear property boundary of no 22 and 24 Maryatt Avenue. The house extends 9m in depth at ground floor level, 6.2m at first floor level with an eaves height of 5.7m and ridge height of 9m measures. The new houses would be positioned a minimum of 1.8m from the shared property boundary and 16m from the rear elevation of no 22 Maryatt Avenue. Habitable rooms are positioned at the front of the house at first floor level and within the roof space to minimise overlooking and loss of privacy of neighbouring properties. Given the separation, height and location of the new houses set at an angle from the existing houses the new development would not result in a sense of enclosure or loss of outlook from the adjoining properties.

A short two and half storey terrace with single storey rear addition [Plot no's 65, 66, 67 and 68] adjoin the rear property boundaries (eastern) of no's 18 and 20 Maryatt Avenue and the side (northern) site boundary with four storey block of flats, no's 1-14 Swift Close.

The two and half storey terrace properties measure 9m in height, 10m in depth at ground floor level, 6.2m at first floor level. The new terrace would be positioned 5m from the shared boundary with Maryatt Avenue properties and would sit forward of the rear elevation of these properties. An 8.8m long garden separates the new terrace from the shared property boundary with Swift Close block. A total distance of 13.8m is provided between the side elevation of the Swift Close block and the rear elevation of the new terrace. It is considered that the siting of the new terrace would not result in a loss of light, outlook or enclosure of the neighbouring properties. Furthermore, as the habitable rooms on the upper floor and within the roof space of the new properties face the front of the house the development would not result in a loss of privacy or overlooking of the neighbouring sites. This layout would also allow for the redevelopment of the adjoining Swift Close site.

Plot no's 73, 74, 75 and 76, two and half storey terrace properties are located to the north of the existing four storey block of flats, no's 15-38 Swift Close on the opposing side of Swift Close. Swift Close separates the new terrace properties from this existing block of flats. The new houses are situated 8.8m from the Swift Close site boundary and 15.2m from habitable windows. This layout is considered acceptable within the suburban context of the estate.

It is acknowledged that block no's 1-14 and 15-38 Swift Close are to be demolished and the sites redeveloped as part of the latter phases of the regeneration of the Estate. It is considered that the proposed separation and internal layout of the new development would not preclude the future redevelopment of the Swift Close sites.

A three storey terrace [plot no's 93-98] adjoins the eastern site boundary with the flatted development of no's 15-38 Swift Close. The proposed terrace properties would be set back 2m from the front elevation of the existing four storey Swift Close block of flats and would extend 6m further in depth than the existing block. While this would normally raise concern, the adjacent properties are designated to be demolished in the following phases of the wider Estate redevelopment. To the south, these properties would adjoin the rear gardens of two storey Coles Crescent residential properties. Rear gardens of 11m would be provided to these terrace properties, and in combination with the 20m rear gardens of the Coles Crescent properties, this separation is considered sufficient to ensure that there would be no loss of privacy to the existing Coles Crescent properties. It is noted that the roofspace accommodation in the roofspace would be served by windows facing northward, with no opening s at this level facing southward.

A short three storey terrace [plot no's 107. 108. 109] is proposed extending northward along the eastern arm of Swift Close. This terrace would adjoin the southern site boundary with an existing four storey block of flats, no's 1-16 Drinkwater Road. Separation of 6m is provided between the proposed terrace properties and the Drinkwater Road flats. While it is acknowledged that the new terrace properties would encroach on the notional 45 degree line from habitable windows of the existing blocks, these existing blocks are scheduled for demolition and redevelopment as part of the wider regeneration of the estate. This relationship is therefore considered to be acceptable. To the east, this terrace adjoins a plot currently under construction to provide four, three storey terrace houses that are set at an approximately 45 degree angle to the subject site.

It is noted that these properties currently under construction will be provided with comparatively short rear gardens of 5m depth. However, a minimum separation distance of 18m would be provided between these properties. This separation, in association with the siting at an angle is considered to be acceptable and would prevent unacceptable overlooking between properties or any sense of enclosure.

The two and half storey short terrace [plots 62, 63 and 64] would extend slightly (1m) beyond the existing two and half storey terrace to the west of the site. It is not considered that this would result in a loss of light, sense of enclosure to the neighbouring terrace.

Plots 24 and 25, two and a half storey pair of semi-detached dwellings fronting Eliot Drive would be positioned a minimum of 7m from flank elevation of Annan Court, a four-storey block of flats. No windows are located within the flank elevation of the block of flats. Accordingly, the new development would not compromise the living conditions currently enjoyed by occupants of the neighbouring building.

Site 2

Three storey flatted blocks on Fentiman Way adjoin the eastern site boundary. The two blocks nos 1 to 6 and 7 to 14 are located a distance of 3m and 10m respectively from the site boundary. A number of windows are located on the flank elevations of the blocks facing the site, these are less sensitive non-habitable windows to rooms such as kitchens and bathrooms. Secondary bedroom windows are also located within the flanks elevation of block 7 to 14 Fentiman Way.

The existing terrace properties along Thornley Drive that adjoin the southern site boundary are aligned at approximately 45 degree angles to the site. The neighbouring properties are separated from the site by substantial gardens (ranging in 18m to 30m in length).

A distance of 9m is provided between the proposed two and half storey terrace properties, located along the eastern and southern site boundaries. This distance is considered acceptable with respect to the footprint (6m depth) and height (9m ridge height) of the new buildings. The internal layout of the properties has been designed so that habitable rooms face the front of to minimise potential impact on neighbouring properties.

In conclusion it is not considered that the proposed development would have any unacceptable impact on the residential amenity of neighbouring property, both within the wider Estate and outside of the Estate.

Adequate separation is provided to neighbouring properties to prevent unacceptable overlooking from the proposed development. Given the scale of development and separation to neighbouring properties, it is not considered that the proposal would result in any overshadowing of neighbouring properties.

8) Parking and Highway Safety

London Plan Policy 3C.23 of seeks to regulate parking in order to minimise additional car travel, reduce trip lengths and encourage use of other, more sustainable means of travel. Annex 4 Parking Standards of the London Plan states that Public transport accessibility should be used to assist in determining the appropriate level of car parking provision. Policy T6 of the HUDP requires new development to address the related travel demand arising from the scheme and policy T13 requires new development to comply with the Council's maximum car parking standards.

The site has a public transport accessibility level [PTAL] of between 1a and 3, which varies across the site. The application proposes 157 car parking spaces of which 29 are disabled car parking bays (18%). The proposed parking provision would equate to 1.1 space per dwelling. This is slightly above the parking provision of 0.8 spaces per dwelling that was proposed in the earlier application. The increase in parking provision is in response to a request from estate tenants and would result in a ratio of 0.84 car parking spaces per dwelling across the whole estate.

The Council's car parking standards allow a maximum provision of 181 spaces (includes 0.2 visitor parking provision) for the 143 unit scheme. London Plan parking standards allow a maximum of 166 car parking spaces. The proposed increase in car parking spaces remains within the maximum limit and is considered acceptable given the large family housing that is proposed, the low transport accessibility level of the site and the overall car parking provision for the wider estate. The Council's Highway Engineer has supported this proposed car parking provision, stating that it is considered to be appropriate for the specific characteristics of this site.

Maryatt Avenue/Eliot Drive forms the main link through the estate, providing an east/west link connecting Rayners Lane directly to Welbeck Road. This link provides access from Rayners Lane to Grange First and Middle Schools to the east of the estate. The remaining streets within the estate provide solely for access to the estate and the associated residents and community centre.

A number of changes are proposed to the internal layout of the site, including the provision of two new roads connecting Eliot Drive to Drinkwater Road, the formation of a vehicular link/access between the western and eastern ends of Drinkwater Road. A home zone is proposed around the Swift Close open space and the western most link road between Eliot Drive and Drinkwater Road. Traffic calming measures would be employed throughout the scheme.

As discussed in the design section of this report, additional landscaping is to be provided through the reorganising of the low design speeds of the roads consistent with home zone theory. A condition is recommended requiring the submission and approval of full details of the traffic calming measures, street furniture and landscaping that would be incorporated into the home zone and all other detailed highway design measures.

It is noted that the Council's Highway Engineer has confirmed that the road layout conforms with relevant guidance (set out in Manual for Streets) and that the junction geometry accommodates emergency and refuse vehicle access.

Cycle parking is proposed to be provided in rear garden sheds to the houses and within enclosures integral to the envelope of the flatted blocks. Further detail is required to be provided by condition, but this arrangement is considered to be acceptable in principle.

Refuse and recyclables enclosures would be incorporated into the envelope of the flatted blocks. Bin enclosures would be provided to the front of the houses. Further detail of these enclosures, including design and capacity, is recommended to be provided by condition.

The proposed car parking layout and revisions to the site layout would increase permeability across the site, providing safe and transparent routes within and out of the site. The proposed home zones and vehicular calming features would also improve safety within the site and increase natural surveillance across the site. The proposed approach to car parking and road layout within the site is therefore considered to be acceptable.

9) Accessibility

London Plan Policy 3A.5 requires that all new housing is built to lifetime homes standards and that 10% of new housing is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Policy 4B.5 of the London Plan requires all new development to meet the highest standards of accessibility and inclusion. Policy D4 of the Harrow Unitary Development Plan requires that buildings should be laid out in such a way to encourage pedestrian movement, minimise the distance to other land uses and transport and maintain a high level of accessibility. Policy C16 of the HUDP seeks to ensure that buildings and public spaces are readily accessible to all.

The Design and Access statement submitted with the application confirms that all new dwellings have been designed in accordance with lifetime homes standards and ten percent of the units (13 units) have been designed to be easily adaptable for residents who are wheelchair users in accordance with the Mayor of London's Best Practice Guidance document – Wheelchair Accessible Housing. The detailed design of the wider scheme has been designed to comply with the Council's Supplementary Planning Document: Access for All.

The applicant has chosen easily adaptable wheelchair units as opposed to the provision of fully operational wheelchair units. The applicant has justified this on the basis that there is no requirement for wheelchair units for the existing tenants waiting to be re-housed within the estate. The provision of easily adaptable wheelchair units enables the current needs of existing tenants to be met, while also ensuring that housing is available on the estate to meet all future housing needs in accordance with accessibility objectives of the London Plan and Harrow Unitary Development Plan.

The application proposes a minimum of 18% of all car parking spaces to be accessible for disabled users. These are distributed evenly across the site and located close to the curtilage of easily adaptable wheelchair housing units (type H house units)

Accordingly, the development is considered to comply with the accessibility requirements of policies 3A.5, 4B.5 of the London Plan and policies D4 and C16 of HUDP.

10) Sustainability – Energy Demand and Water Resources

London Plan policy 4A.1 'Tackling Climate Change' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach to sustainability, which is expanded in London Plan policies 4A.2, 4A.3, 4A.4, 4A.6 and 4A.7. Overall, the set of policies seeks to address climate change through minimising emissions of carbon dioxide.

The Renewable Energy Strategy Report submitted with the application provides calculation of the site base line energy demand of the development, details lean energy savings and reviews opportunities for clean energy reductions and renewable 'green' energy provision in line with the policy requirements of the London Plan.

All new homes are to be built to Code 3 level for Sustainable Homes Standards. In terms of energy reduction, this will provide a 25% improvement from Part L of the Building Regulations. In addition, high efficiency mechanical ventilation with heat recovery is proposed. All fittings have been chosen to reduce energy demand by minimum of 75%. External lighting of the buildings will be of low energy type. Overall, this would result in a 14% energy saving.

The phasing of the development of the site, the near completion of the regeneration of the estate and the commencement of wider development in 2001 has largely prevented securing the provision of a decentralised energy scheme for the site. The majority of the units (approximately 420) have already been built with individual gas central heating systems for their means of heating and hot water provision. Accordingly, the provision of CHP equipment for the heating and cooling of the development has been concluded as being unviable.

Solar Thermal Hot Water provision was concluded to be the most economical and technically feasible option to provide renewable energy provision for the development.

The report concludes that a 26% reduction in carbon emissions would be achieved through lean measures (Code 3 for Sustainable Homes Standards), high efficiency mechanical ventilation system and renewable energy generation (solar thermal hot water).

The proposed renewable energy strategy as outlined in the renewable energy strategy report would meet the objectives of the London Plan and HUDP policies to address climate change. Accordingly, this aspect of the development is considered acceptable.

In addition to the measures proposed in the renewable energy strategy the five blocks of flats would incorporate green roofs measuring a total area of 1200 sqm in area. The green roofs are to be planted with mixed species reducing peak run off and improving water quality to be discharged to the sewer. Rain water butts are to be provided to all houses and ground floor flats with gardens/patios. It is intended that harvested water would be used for watering of the communal gardens for the flats. Water usage is to be reduced to 105 litres per head per day line with code 3 Sustainable Homes Requirements. The re-use of surface water run-off, contained in the grate attenuation tanks is currently being investigated for the watering of landscaped areas, green roofs and wash down of bin stores. These proposed measures would be in accordance with London Plan Policy 4A.16 and policy EP15 of the HUDP which require appropriate measures to conserve water. A condition is recommended to secure these proposed measures.

11) S17 Crime & Disorder Act

Policy D4 of the Harrow Unitary Development Plan 2004 advises that crime prevention should be integral to the initial design process of a scheme. Policies 4B.1 and 4B.6 of the London Plan (consolidated with alterations since 2004) seeks to ensure that developments should address security issues and provide safe and secure environments.

The scheme has been subject to ongoing discussion with the Metropolitan Police Crime Prevention Officer to ensure compliance with Secure by Design standards and to ensure that the design minimises opportunities for crime. The siting, design and internal layout of the buildings have been designed around Secure by Design principles. Integral bin enclosures have been incorporated into the blocks of flats and separate enclosures provided for dwellings. The car parking has been located in areas that benefit from natural surveillance. To ensure that the proposed measures are implemented, a condition is recommended requiring further detail of compliance with the Metropolitan Police Secure by Design scheme.

12) Consultation Responses

Objection to the intensification of the number of units on the site – density is within London Plan Guidance for a suburban location with a PTAL rating of 1-3a, and the resulting density is within the applicable guidance range. Adequate separation is provided between the dwellings and blocks and adjoining sites, and there is good provision of outdoor play space and private and communal areas. Parking provision is within Harrow and London Plan parking guidance.

The scale and design of the blocks have been designed to complement the existing scale and pattern of development on the site.

CONCLUSION

The proposed development is part of the wider regeneration of the Rayners Lane Estate, which will provide a total of 792 residential units. This phase of development proposes 135 units, of which 105 would be affordable. The proposed mix of housing within this phase is focussed on providing large family units within terraced and semi detached housing. A small number of one and two bedroom flatted units are also proposed. While this phase is part of the wider Estate regeneration, this mix of housing would make a significant contribution to meeting the defined housing needs of the area.

Through creating road connections within the layout, the proposal would improve pedestrian and vehicle permeability through the application site and wider Estate, and would improve access from the wider Estate to the neighbourhood playspace that would be provided within this development phase. Home zones would be incorporated into the detailed road and public space design, to improve the residential character of the created neighbourhood areas, and to improve the pedestrian environment.

A range of housing types are proposed, the design of which would contribute to the defined character areas within a formalised structure. All of the houses and flats would benefit from acceptable residential living conditions. Houses would all have private rear gardens, and flats would have balconies or ground floor patio areas. The proposed development would be limited to four storeys and would not result in detriment to the living conditions of neighbouring properties.

A revised landscape strategy has been submitted during the course of the application. The revised scheme proposes additional street trees, shrubs, hedges and garden trees. This increased level of greenery is welcomed, however detailed information regarding planting species and densities is required to be submitted to enable appropriate landscaping to be delivered.

Overall, the layout of the proposed development is commended for accommodating the concentration of large family housing units on the site, while respecting residential standards, and providing improved permeability through the site with an interesting and variable streetscape and defined neighbourhood environment.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above: this application is recommended for grant, subject to the following conditions;

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2 The development hereby permitted shall not commence beyond ground level damp proof course until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

(a) the extension/building(s)

(b) boundary treatment

The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality and Green Belt in accordance with policy D4 and EP32 of the HUDP and policy 3D.9 of the London Plan.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, D, E and F in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of:

a: amenity space

b: parking space

and to safeguard the amenity of neighbouring residents.

4 The development hereby permitted shall be built to Lifetime Homes Standards and Wheelchair Adaptable Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes and Wheel Chair Adaptable Units' in accordance with the policies of the Harrow Unitary Development Plan and London Plan.

5 The development hereby permitted shall not commence beyond ground level damp proof course until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

6 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 building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs, which, within a period of 2 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 a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

7 Prior to commencement of development, details of tree protection measures for retained trees shall be submitted to, and approved in writing by the Local Planning Authority. The erection of fencing for the protection of all retained trees shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature, which the local planning authority considers should be protected.

8 The development hereby permitted shall not commence beyond ground level damp proof course until there has been submitted to, and approved by, the local planning authority a detailed Landscape Management and Maintenance Plan/Schedule for the communal landscaped areas, to include the initial year and the subsequent long term management for years 2 to 5.

REASON: To safeguard the appearance and character of the development and the wider site in accordance with HUDP policies D4, D9 and D10.

9 Prior to first occupation of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the proposed Local Area of Plan [LAP] and local equipped area of play [LEAP]. These details shall include: play equipment, street furniture, landscaping, boundary treatment, surface material and any other relevant details. The details as approved shall be implemented in full prior to first occupation of the development, and retained as such thereafter.

REASON: To ensure the provision of good quality, well designed, safe, accessible, secure play facilities for children within the site, in accordance with policies D4 of the HUDP and London Plan Policy 3D.13.

10 The development hereby permitted shall not be commenced until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

11 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme must include the following measures as detailed in the approved Flood Risk Assessment (FRA) (Gemma BDS Ltd, August 2009 and the FRA Addendum dated October 2009): Surface water discharge from the site to be restricted to 10 l/s/ha; Green roof area totalling no less than 1200 sqm to be installed on 5 blocks of flats; Permeable paving to be incorporated as part of a Sustainable Drainage System.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

12 The development of any buildings hereby permitted shall not be commenced until surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding.

13 Prior to the first occupation of the development hereby approved, details of green roofs to the residential units shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the details as approved and the green roofs shall be maintained and retained as such thereafter.

REASON: In the interests of sustainability and ecological diversity.

14 Prior to first occupation of the development hereby approved, details of bat roosts to be provided within the site shall be submitted to, and approved in writing by the Local Planning Authority. The bat roosts shall be installed in accordance with the approved details, and shall be retained as such thereafter.

REASON: In the interests of site ecology.

15 Prior to first occupation of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the proposed home zone. These details shall include: traffic calming measures, street furniture, landscaping, surface material and any other relevant measures. The details as approved shall be implemented in full prior to first occupation of the development, and retained as such thereafter.

REASON: In the interests of highway safety and neighbourhood amenity, in accordance with policies T6 and D4 of the HUDP.

16 Prior to the commencement of development on the site, an arboricultural method statement for the roads between trees T79 and T80, between trees T97 and T98 and the block paving around tree T103 shall be submitted to and approved in writing by the Local Planning Authority. The development should be carried out in accordance with the approved method statement.

REASON: To protect the character and appearance of the site and the existing trees on site in accordance with HUDP policies D9 and D10.

17 No site works or development shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement.

18 Prior to first occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. all main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';
2. 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, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy D4 of the Harrow Unitary Development Plan, and Section 17 of the Crime & Disorder Act 1998.

19 The development hereby permitted shall not be occupied until a scheme for:-

- (a) The storage and disposal of refuse/waste
- (b) and vehicular access thereto

has been submitted to, and approved in writing by, the local planning authority. The use hereby permitted shall not be commenced until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties.

20 The development hereby permitted shall not commence beyond ground level damp proof course until a fully detailed energy strategy including sustainable water measures has been submitted to and approved in writing by the local planning authority. The approved strategy shall subsequently be implemented in full, prior to first occupation of any part of the development hereby permitted.

REASON: In the interests of sustainability, water conservation and climate change mitigation, in accordance with London Plan policies 4A.1, 4A.2, 4A.3, 4A.4, 4A.5, 4A. and 4A.7.

21 Prior to first occupation of the development hereby approved, details shall be submitted to, and approved in writing by, the Local Planning Authority of cycle parking provision for the approved residential units.

REASON: To provide for the needs of cyclists and to promote more sustainable, non car modes of transport.

22 Prior to the development proceeding beyond ground level damp proof course, details of side screens to the western end of balconies on the southern elevation of Block Three at first, second and third floors, shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be installed in accordance with the approved details and retained as such thereafter.

REASON: To prevent overlooking of neighbouring units, in the interests of the privacy of these neighbouring units.

INFORMATIVES

1 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

2 INFORMATIVE:

Please note that guidance on permeable paving has now been published by the Environment Agency on

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>

3 INFORMATIVE:

The London Borough of Harrow seeks to encourage Secured by Design accreditation where appropriate. This is a national police initiative that is supported by the Home Office Crime Reduction & Community Safety Unit and the Planning Section of the ODPM. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. It is recommended that the applicant apply for this award.

For additional information, please contact the Borough Crime Prevention Design Advisor through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465.

4 INFORMATIVE:

There may be public sewers crossing this site, so no building will be permitted within 3 metres of the sewers. The applicant should contact the Area Service Manager Mogden at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure.

Tel: 08459 200800

5 INFORMATIVE:

The applicant is reminded of the duties set out in the Disability Discrimination Act 1995 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

6 INFORMATIVE:

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: and P-36, 86.01.01P, 86.01.02P, Design and Access Statement (includes CABE building for life assessment), Transport Statement, Renewable Energy Strategy Report, Sustainability Building Design Report, Ecological Appraisal, Site Waste Management Plan, Sewerage and Utilities Statement, Phase 2 Site Investigation – Site 1 and 2, Flood Risk Assessment submitted 24th August 2009; Addendum to Flood Risk Assessment submitted 15th October 2009; P-01 rev A, P-03 rev B, P-04 rev B, P-07 rev B, P-08 rev A, P-09 rev B, P-11 rev A, P-12 rev B, P-13 rev B, P-14 rev B, P-15 rev B, P-16 rev B, P-17 rev A, P-18 rev A, P-19 rev A, P-20 rev A, P-21 rev A, P-25 rev A, P-27 rev A, P-29 rev A, P-32, P-33, P-34, P-35 submitted 30th October 2009

**KODAK SITE, HEADSTONE DRIVE, P/1795/09/DC3/MAJ
WEALDSTONE**

Ward MARLBOROUGH

CHANGE OF USE OF VACANT SITE FOR TEMPORARY OPEN AIR MARKET WITH
100 STALLS INCLUDING ANCILLARY FOOD SALES AND PARKING FOR 200
CARS

Applicant: Land Securities and FCM Markets

Statutory Expiry Date: 18-DEC-09

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans and reports, subject to the planning condition(s) noted below.

REASON

The proposed temporary market represents an appropriate use within an existing disused site that would create employment opportunities for local people and small start up businesses. The decision to **GRANT** permission has been taken having regard to the policies and proposals in the London Plan and/or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Policies

Government Guidance:

PPS1 – Delivering Sustainable Development

PPG4 – Industrial, Commercial Development and Small Firms

PPS6 – Town Centres

PPG13 – Transport

PPS25 – Flood Risk

The London Plan 2008:

2A.8 – Town Centres

3C.17 – Tackling congestion and reducing traffic

4B.1 – Design principles for a compact city

Harrow Unitary Development Plan 2004:

S1 – The form of development and pattern of land use

SEM2 – Hierarchy of town centres

EP21 – Vacant and disused land and buildings

D4 – The standard of design and layout

T6 – Transport impact of development proposals

T13 - Parking standards

EM5 – New large scale retail and leisure and other development

EM6 – Limiting goods at out or edge of centre developments

EM10 – Open air markets

EM14 – Land and buildings in business, industrial and warehousing use – designated areas

Supplementary Planning Guidance:
Access For All Supplementary Planning Document (April 2006)

Other Relevant Guidance

NLP Retail Study Review London Borough of Harrow (September 2009)
Harrow's Sustainable Community Strategy (March 2009)
URS London Borough of Harrow Employment Land Study (2006).

Secured By Design (June 2004)

Safer Places: The Planning System and Crime Prevention (February 2004)

MAIN CONSIDERATIONS AND POLICIES (London Plan 2008 & HUDP 2004)

- 1) Policy Background & Principle of Development (S1, SEM2, EM14, EP21)
- 2) Loss of designated employment land (EM10, EM14, EP21)
- 3) Impact on local business (2A.8 & SEM2, EM5, EM6, EM10)
- 4) Parking and Highway Safety (3C.17 & T6, T13)
- 5) Residential Amenity (D4, EP25)
- 6) Access For All (D4)
- 7) Design and Character of Area (4B.1 & D4)
- 8) S17 Crime & Disorder Act (D4)
- 9) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type:	Smallscale major retail
Site Area:	1.3 ha
Car Parking:	Standard: 1 space per 75-150m ² (customers) 1 space per 300-600m ² (staff) Therefore 173 (maximum customers) and 43 (maximum staff) Maximum = 216 spaces
	Justified: 200
	Provided: 200
Council Interest:	None

b) Site Description

- Vacant and disused Southern section of Kodak industrial site access off Headstone Drive
- Site identified as a preferred industrial location in Harrow Unitary Development Plan Proposals Map
- Site and access currently boarded up
- To the north and west are the existing Kodak operations
- To the east is the Harrow Crown Court and the Waverley Industrial Estate access off Hailsham Drive
- To the south on the opposite side of Headstone Drive are 2-storey terraced residential properties, the Caryl Thomas Clinic and 3-storey blocks of flats
- Existing mature / semi-mature trees on the southern boundary of application site.

c) Proposal Details

- Use of existing vacant area of land (1.3ha) for temporary use (12 months) as an open air market.
- Access off existing access point (currently boarded off) off Headstone Drive
- Site to accommodate market 100 stalls measuring 5m x 2m taking up an area of 1000m².
- Provision of parking for 200 cars (100 for stall operators and 100 for customers)
- Hard-surfacing of entire application site with the exception of 940m² area of trees and buffer area on southern boundary.
- Provision of bin storage area and toilets on eastern boundary.

d) Relevant History

- None Relevant

e) Pre Application Discussion

The applicants sought pre-application advice through the Planning Advice Team on 1 May 2009 and 8 July 2009. Key comments given are as follows:

- Principle of temporary change of use is considered acceptable;
- Site in a sustainable location with regards to public transport links;
- Junction capacity - two options investigated, option one: use existing access, option two: ban right hand turns. In terms of capacity both options work.
- Provision of over 200 parking spaces would require referral to the GLA.
- A flood risk assessment would be required given the site area;
- TPO's are located on southern boundary of site. Advised that these should be fenced off to create an exclusion zone;
- Need to demonstrate how site is made secure;
- Need to liaise with environmental health regarding food certificates.

f) Applicant Statement

- The application relates to the eastern portion of the southern site (approx 1.3ha) and seeks the change of use of vacant land for an open air market for a temporary period to accommodate 100 stalls and car parking for 200 cars;
- The site lies in close proximity to the Harrow and Wealdstone underground and overland rail station and is well located to good public transport links;
- PPS6 sequential test not applicable given size of retail area proposed;
- Temporary use would not jeopardise strategic designation of site as preferred industrial location.
- Temporary market use would create employment opportunities for local people.

g) Consultations:

Environment Agency: Acceptable due to temporary nature of use.

Local Highways Authority: No objection.

Crime Prevention Design Advisor: No Response.

Economic Development Unit: No objection, suggest the following:

- Market operator to sign up to Harrow Pledge;

- Developer to advertise site management and security jobs through local job centre;
- The Market operator should make available five market stalls for local start up businesses;
- All stall holders are to be made aware of the services provided by Harrow in Business and Business Link in London.

Advertisement: Major Development Expiry: 13-OCT-09

Notifications:
Sent: 83 Replies: 6 Expiry: 13-OCT-09

Notification letters sent to the following addresses:

- Harrow Crown Court, Headstone Drive
- Kodak, Headstone Drive
- Units 1, 3, 4 & 13 Hailsham Drive
- 114-140 (even) Headstone Drive
- 1-6 Danes Gate
- 1-18 Gloucester Court

Summary of Responses:

Those For (0)

Those Against (6) Market will make the problem of litter in the area worse, established local specialist shops which are part of the community could be forced out of business with the establishment of the market to the detriment of the local community, increase in traffic in the early morning will cause heavy traffic congestion, market will cause an increase in noise in the early morning until late in the afternoon, five days a week is far too much and would be inappropriate on a Sunday, market will result in parking problems in the surrounding area, car wash not needed as there are already two car washes within 200m of the site, market is not needed as there is already a market in the Debenhams car park, market will compete with businesses on Wealdstone High Street which is already struggling.

APPRAISAL

1) Policy Background & Principle of Development

The development proposed comprises the temporary use of a 1.3 ha vacant and disused section of the Kodak industrial site as a temporary open air market for a period of 13 months.

The two key considerations for this site are considered to be:

- a) The principal of a non-employment use (B1, B2 or B8 of the use classes order) on a designated industrial site and;
- b) The effect an edge-of-centre retail use would have on the existing shopping centre / town centre and other shopping parades in the vicinity.

This site is designated employment land and is identified on the 2004 Proposals Map and protected under saved policy EM14 of the Harrow Unitary Plan therefore a non-business use on this site is (in policy terms) deemed unacceptable in principle.

In addition saved policy EM5 is applicable with any new large scale retail uses outside of an existing designated town centre must demonstrate a need for the development and that the development will not compromise the vitality and viability of existing centres.

Open air markets are considered against saved policy EM10. This policy states:

Open air markets may be permitted on suitable sites within town centres, on temporarily vacant sites, or, where appropriate, in the streets. In considering such planning applications the Council will have strict regard to:

- A) The amenities of nearby residents;*
- B) The adequacy of the arrangements for access, servicing, refuse disposal, parking and;*
- C) The impact of the proposal on existing shopping provision, traffic and pedestrian movement.*

The site does not fall within a designated town centre or a street. Instead the site is proposed on a temporarily vacant site, associated with the former Kodak commercial operations on this part of a wider site. Having regard to policy EM10 and temporary nature of the market use it is considered that there is scope within relevant planning policy criteria to consider the proposed market use in this location.

Saved HUDP policy EP21 is also considered particularly relevant in the assessment of this application which encourages and promotes the re-use of vacant and disused land and buildings within the borough.

The applicants in their submission have outlined how they consider that the temporary nature of the market use for a 13 month period would:

- Not adversely affect the long term strategic use of the Kodak site for employment / industrial use
- Not compromise the vitality and viability of the Wealdstone District Centre;
- Represent an efficient and efficient of a disused brown field site.

The following sections of the report examine the above considerations in greater detail.

2) Loss of designated employment Land

Saved policy EM14 states:

'The Council will resist the loss of land and buildings within the following sites, as defined on the proposals map, from business, general industrial or warehousing uses (B1, B2 of B8):

...

*Kodak site, Wealdstone;**

...

*Those sites marked above with an asterisk(*) are part of the Wealdstone preferred industrial location...'*

The proposed market is dominated by A1 uses and therefore falls outside of the business and industrial uses designated for this site.

Furthermore the URS London Borough of Harrow Employment Land Study 2006 recommendation 1 states: *'Subject to recommendation 2 below all land currently designated in LB Harrow's Industrial and Business Use Areas in Industrial use (B2 and B8) should be protected for employment generating activity.'*

However recommendation 2 goes on to state:

'Where a large (or part thereof) employment site currently occupied by a single enterprise becomes vacant, the Council should determine the future of the site based on the outcomes from this study and a separate review of the site's future. This review should assess the sites specific circumstances, its context and the ability to maximise employment on the site as part of any future uses...'

Given the temporary nature of the proposal it is considered that the development would not adversely affect the long term use of the site for industrial / employment use. The applicant argues that as the market would only be for a temporary period of time (in this case 13 months) the proposal does not represent a permanent loss of employment land. In addition, saved policy EM10 of the HUDP 2004 considers temporarily vacant sites such as the application to be suitable for open air markets.

Therefore, it is considered that the temporary use of this site is acceptable in principal. However, it is also considered that given the designated employment land / industrial land status of the site, it would be more appropriate in the first instance to consider a temporary use of the site that falls with the B uses classes (B1, B2 and B8) of the Town and Country Planning (Use Class) Order (as amended).

Although not fully applicable saved policy EM15 of the HUDP lists various criteria which assist the Council in considering other uses on existing land or buildings within the B use class which are considered relevant in this instance. The key criteria includes the following:

- Sufficient provision of other sites in the B use class in the local area;
- No unacceptable harm to the local economy resulting from the loss;
- Evidence that the site has been extensively marketed for B1, B2 or B8 use;
- The site has been vacant for a considerable length of time.

The southern part of the Kodak site which includes the application site not been in use since 2007 when the previous buildings and operations were demolished due to changes in the market and evolving economic conditions.

The applicant has produced a marketing report that highlights how the site has been marketed over the past 14 months through advertisements in the local newspapers, the Estates Gazette and placing marketing boards at the entrance of the site inviting enquiries for between 4000m² to 4ha of open storage to let on a short term basis. The findings of the marketing exercise found that there was interest from various businesses, however none of these were advanced for the following reasons:

1. Most prospective occupiers required a change of use as they fell within the A1 use class;

2. Many potential occupiers required extensive and expensive re-surfacing the site, new fencing and lighting which was not a cost effective option for a temporary use of the site;
3. The site lies in a low emission zone and is unattractive to lorry and car storage companies.

The findings of the marketing report are considered to generally be acceptable and they provide a suitable basis as to why the temporary market should be considered an appropriate temporary use of the site.

In terms of the other assessment criteria under policy EM15 sufficient provision of B use land does exist in the immediate vicinity with the Waverley industrial estate immediately off Hailsham Drive to the east of the site.

The issue relating to the local economy is covered in the following section of the report, however it is event that the creation of 100 market stalls will in itself create employment opportunities.

It is considered that the proposed temporary use would bring a disused brown field site into temporary use that would generate employment and encourage start up and small scale businesses, whilst at the same time not jeopardising the long term employment / industrial status of the site. The proposal is therefore considered to comply with saved policies EM10 and EM14 of the HUDP 2004 and recommendations 1 and 2 of the URS London Borough of Harrow Employment Land Study 2006.

3) Impact on the town centre

The key objectives of PPS6 are to promote the vitality and viability of town centres by:

- Planning for the growth and development of existing centres; and
- Promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.

With specific reference to markets PPS6 states:

'Street and covered markets (including farmers markets) can make a valuable contribution to local choice and diversity in shopping as well as the vitality of town centres ... local authorities should seek to retain and enhance existing markets and, where appropriate, re-introduce or create new ones ...'

The proposed temporary market would not be located in a defined town centre but is close to an existing centre and is therefore considered be in an edge-of-centre location.

As the proposal contains a large retail element, it must be scrutinised against HUDP policy EM5 of the HUDP 2004. Policy EM5 states:

'Proposals for new retail, leisure development and other large scale uses attracting considerable numbers of people ... should be located in metropolitan and district centres ... In considering proposals to develop edge-of-centre or out-of-centre locations, the developer must demonstrate that:

- a) There is a need for the development and all other sequential preferable options are inappropriate; and*
- b) The vitality and viability of existing centres would not be compromised.'*

Wealdstone District Centre is the nearest designated town centre that is likely to experience some form of impact from the temporary market use on site.

With regard to impact, paragraph 2.48 of PPS6 suggests that edge-of-centre sites can have positive benefits to existing centres where a development would be well connected to the centre and result in a significant number of linked trips and 'clawback expenditure'

The applicant has argued that given the temporary nature of the development it is unlikely to have an adverse impact on the Wealdstone District Centre and considers that a sequential test under PPS6 is not applicable in this instance. Furthermore, PPS6 indicates that an impact analysis is not required on developments less than 2,500m². Given the number and size of the stalls (100 x 5m x 2m = 1,000m²) proposed in the market these proposals would fall below this threshold.

In terms of the existing 'health' of the Wealdstone District Centre, the NLP Harrow Retail Study Review 2009 provides an overall health check of the centre. It identifies that current vacancy rates in the centre amount to 8 units or 8.1% of the total number of units which is below the national average of 11.4%. Much of centres the shopping facilities, particularly convenience, serve to provide 'top up' provision, rather than being the primary location. The survey identified that Wealdstone was well provided with A1 and A2 uses, all above the national average, which demonstrates that the district centre is both viable and has vitality.

On the basis of the most up-to-date Council study, which forms part of the evidence base for the emerging Local Development Framework, the proposed temporary market still falls below the relevant threshold. The study also shows that the Wealdstone District Centre is performing acceptably having regard to measures of both vitality and viability. The amount of retail area associated with the temporary market is relatively small and it is considered that the temporary use of the site for an open air market is unlikely to adversely affect the Wealdstone District Centre.

In light of current uncertain economic conditions, it is nevertheless considered that the proposed use be limited to a 13 month temporary permission. Coupled with the economic uncertainty, a longer permission might give rise to concerns with regards to the longer term impact of the temporary market on existing local retail business, particularly in the Wealdstone District Centre.

Any future application to extend the permission period will need to be carefully reviewed to consider the impact of the market on local business and the vitality and viability of the Wealdstone District Centre. Given the temporary nature of the use for a 13 month period the Council will be able to assess the impact (if any) on the Wealdstone District centre through vacancy rates, any changes in the nature / character of uses within the shopping frontages, pedestrian flows and so on at that time.

For the above reasons and notwithstanding the concerns expressed, the principle of a temporary use of the site for a market in this out-of centre location is considered to be acceptable having regard to the development plan policies above.

4) Parking & Highway Safety

The proposal requires provision for 100 traders and the same number of customers. On this scale the proposal is considered acceptable in terms of parking provision and traffic generation.

The level of parking provision is considered reasonable given the average public transport accessibility (PTAL 2-3) of the site and the nature of development. As the proposed parking areas will not be normalized there will be some scope to accommodate parking overflow. Although the area is robustly covered by on-street parking controls this flexibility will help to reduce the likelihood of parking being displaced onto the public highway.

In terms of traffic generation, the above conclusion is reached on the basis of the mapped activities of the market which would open from 9am to 3pm Wednesday to Sunday thus avoiding both am & pm peak traffic periods. The arrival and dispersal of traders would also be outside of these peak periods. The local road network has therefore sufficient capacity to accommodate events such as peak customer demand predicted to be between 11am and 12 noon. Vehicular "stacking" on Headstone Drive on entry to the site is unlikely given the design of the entry slip road and location of the parking area however a condition requiring management of traffic entering and leaving the site would be expected to avoid any such occurrence.

The junction onto Headstone Drive will work adequately within capacity without significant alteration to the current priority junction. A right turn lane would be provided into the site and this would be facilitated by appropriate road marking secured by condition.

Pedestrian facilities in the proximity of the site are considered to be very good given the existence of two zebra crossings both to the east and west of the site. In terms of pedestrian permeability the dual site access points are welcomed and should encourage some sustainable use of the proposal. Cycling facilities to the site are to standard and do not warrant further enhancement as a result of the proposal. A travel plan is not appropriate or practical for the use type and is therefore not a requirement.

Overall it is considered that the proposal would not adversely affect highway safety and would not result in a noticeable impact traffic congestion.

5) Residential Amenity

Noise disturbance has been raised as a concern by some objectors. Concerns mostly relate to noise relating to the traffic associated from the operation of the market.

Headstone Drive is classified as a Restricted Borough Distributor Road and already experiences a high level of traffic movements.

As highlighted in the above section of the report the customer vehicle movements associated with the use will occur outside of peak times (after 9am and before 3pm) and during normal business hours, therefore noise from vehicles is unlikely to affect neighbouring amenity. In addition to this the previous use of the access point to the Southern section of the site was directly related to industrial activities and heavy lorry traffic movements which would, it is considered, have had a similar or greater impact on noise in the vicinity. Whilst market traders vehicles may arrive earlier, the likelihood of early traders vehicles causing disturbance along this important local route is considered to be limited, having regard to the pattern and volume of vehicles already using the roads.

Refuse / waste has also been raised as a concern with litter associated with the market. The bin store area would be located on the eastern boundary of the site next to the boundary with Waverley Industrial Estate and well away from residential properties. In terms of bin sizes and collection access there is little detail of this submitted in support of the application. It is therefore considered appropriate to request these further details by way of pre-commencement condition.

Overall the proposed development it is considered that the temporary use of the site as a market for a 12 month period would not result in an adverse impact on the amenity of neighbouring residents and is considered to comply with policies EP25 and D4 of the HUDP 2004.

6) Access For All

Little detail has been provided with regard to how the temporary market would accommodate the access arrangements of the mobility impaired. Although the market would only be a temporary use, it is considered appropriate and in accordance with planning policy to at least ensure that there is level access and ease of movement / circulation throughout the site and that an appropriate number of parking spaces are allocated for disabled badge holders. Therefore two appropriate conditions have been attached to this report requesting further information on this issue.

7) Design and Character of Area

The proposed temporary market use of the site would not result in a noticeable impact on the character and appearance of the surrounding area. The market stalls would be 2.5m high, 5m long and approximately 2m wide present on site between Wednesday through until Sunday,

The proposed development is temporary in nature and would be set back from the main street frontage by some 50 meters and much of the site is screened by existing mature trees on the southern boundary, and will therefore not be particularly evident from the street. The development would bring back activity to what is currently an area of dead frontage on this part of Headstone Drive and may offer some improvement to the character of the street scene, subject to the careful control and management of signage.

8) S17 Crime & Disorder Act

Although it is considered that the temporary market would unlikely result in an increase in crime, it is not clear from the application supporting documents on how security of the market would be managed. The proposed market has the one point of access and exit off Headstone Drive and contains a high fence around the boundary. It is considered appropriate to request further details regarding management and security of the site.

Two conditions have therefore been attached to this report requesting further details on security measures for the operation and use of the temporary market.

9) Consultation Responses:

Apart from the points raised in the above sections, other issues raised are:

- *No need for another car wash in the area* – This aspect of the development is no longer proposed.
- *Sunday trading inappropriate for a market* – Hours of Sunday trading are governed the Sunday Trading Act 1994. In addition a condition has been attached to this report limiting the hours of trading on a Sunday from 10am until 3pm.

CONCLUSION

The proposal would bring into use an existing disused brown-field site creating employment opportunities for local people. Given the size and temporary permission period the proposed temporary use would not jeopardise the long term strategic use of this site for industrial purposes / employment land nor would it adversely impact on the vitality and viability of local shops, including Wealdstone District Centre. For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above, this application is recommended for grant.

CONDITIONS:

1 The use hereby permitted shall be discontinued and the land restored to its former condition on or before the 31st of January 2011.

REASON: To safeguard the use of the site for employment purposes in accordance with Policy EM14, and to allow an assessment as to whether the temporary market has an adverse effect on the vitality and viability on the Wealdstone District Centre or the amenities of surrounding properties or traffic conditions in the locality .

2 The number of market stalls shall be limited to no more than 100 unless agreed in writing with the Local Planning Authority.

REASON: To safeguard the amenity of neighbouring residents, to minimise the impact and congestion on the public highway and to protect the vitality and viability of the Wealdstone District Centre.

3 There shall be a market supervisor available on site at all times during operating hours of the market, whose name and contact telephone number shall be provided to the Local Planning Authority prior to commencement of the use and clearly displayed within the market area.

REASON: To safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy D4 of the Harrow Unitary Development Plan, and Section 17 of the Crime & Disorder Act 1998.

4 Before the development hereby permitted commences a scheme shall be agreed with the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The agreed scheme shall be fully implemented before the temporary change of use hereby permitted takes place and shall be retained in its approved form for so long as the use continues on site.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents.

5 The use hereby permitted shall not commence until the car parking, turning and loading area(s) shown on the approved plan number 18675-122-003 Rev.B have been constructed and surfaced with permeable materials, or drained in accordance with details submitted to, and approved in writing by, the local planning authority. The car parking spaces shall be permanently marked out and used for no other purpose, at any time, without the written permission of the local planning authority.

REASON: To ensure the satisfactory provision of parking areas, to safeguard the appearance of the locality and in the interests of highway safety.

6 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site. Please note: guidance on permeable paving has now been published by the Environment Agency on <http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

7 The use hereby permitted shall not be open to market stall operators outside the following times:-

- a: 08:00 hours to 16:00 hours, Wednesday to Saturday inclusive,
- b: 09:00 hours to 16:00 hours on Sundays.

In addition the use hereby permitted shall not be open to customers outside the following times:-

- a: 09:00 hours to 15:00 hours, Wednesday to Saturday inclusive,
- b: 10:00 hours to 15:00 hours on Sundays.

Without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents and to minimise the impact and congestion on the public highway.

8 Prior to the temporary use hereby permitted commencing on site details of how refuse and waste arising from the use is to be stored and disposed of, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter retained in that form throughout the permission period.

REASON: To ensure that refuse and waste is disposed of in an appropriate manner, in the interests of neighboring amenity and character and appearance of the surrounding area.

9 Prior to the temporary market use commencing on site, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site shall be implemented in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> Following implementation the works shall thereafter be retained throughout the life of the temporary use.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy D4 of the Harrow Unitary Development Plan, and Section 17 of the Crime & Disorder Act 1998.

10 The development hereby permitted shall not commence until details of a scheme to provide four (4) disabled car parking spaces have been submitted to and approved in writing by the Local Planning Authority. Such spaces shall be provided and designed to BS 8300 specifications to enable it / them to be used by people with mobility impairments, and the space(s) shall be marked out accordingly. The development shall not be occupied or used until the spaces have been completed in accordance with the approved details and thereafter retained.

REASON: To ensure suitable parking provision for people with disabilities in accordance with the policies of the Harrow Unitary Development Plan.

11 The temporary use hereby permitted shall not commence until details of a scheme indicating the provision to be made for people with mobility impairments, to gain access to and from the site (without the need to negotiate steps) have been submitted to and approved in writing by the Local Planning Authority. The use shall not be commenced until the works have been completed in accordance with the approved details and thereafter retained.

REASON: To ensure that the development will be accessible for people with disabilities in accordance with the policies of the Harrow Unitary Development Plan.

12 The temporary use hereby permitted shall not commence until trees on the southern boundary of the application site have been fenced off using Heras-type fencing (Heras 151 or similar), at a minimum height of 2.3m, staked and braced and sited no closer than the drip line or tree canopies in compliance with BS 5837:2005. Details of fencing shall be submitted to and approved in writing by the Local Planning Authority prior to the use commencing on site and shall thereafter be retained throughout the course of the temporary use on site.

REASON: To ensure that no harm or damage to trees on the southern boundary occurs as a result of the temporary use and in the interests of the character and visual amenity of the area.

13 No new flood lighting of the application site shall be permitted without the prior written consent of the Local Planning Authority.

REASON: In the interests of neighbouring residential amenity.

INFORMATIVES:

1 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

2 INFORMATIVE:

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project.

The Regulations require clients (i.e. those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

(Please note that any reference in this informative to "planning supervisor" has no connection with any Planning Officers within Harrow's Planning Services or with the Town and Country Planning Act 1990.)

3 INFORMATIVE:

Permission hereby granted does not extend to any advertisements on site or signs directing people to the market. A separate application for advertisement consent will be required for this.

4 INFORMATIVE:

Harrow Council's aim is to support and promote business and ensure that local residents maximise the benefit of economic growth and opportunities in the Borough. The aims and objectives are supported in Harrow's Sustainable Community Strategy and the Council's Economic Development Strategy "Enterprising Harrow". In meeting these aims the following actions are strongly encouraged:

* The Market Operator is requested to sign up to the Harrow Pledge prior to commencement of the temporary use. To sign up to the Harrow Pledge please contact Mark Billington, Harrow Council Economic Development Unit Tel: 02087366533, email: Mark.Billington@harrow.gov.uk

* The developer should advertise security, parking supervisor and management jobs through the local Job Centre Plus office and via the Council's Economic Development Unit.

* The Market operator should make available 5 market stalls for local start up businesses and should contact Harrow in Business to nominate businesses for these units. Please contact Allen Pluck in Harrow in Business Tel: 02084276188.

Item 1/02 : P/1795/09/DC3/MAJ continued/...

* All stall holders are to be made aware of the services provided by Harrow in Business and Business Link in London for supporting their growth through advice and guidance.

5 INFORMATIVE:

Compliance with Food Safety (General Food Hygiene) Regulations advice. The premises may be required to register with the Council as a food business and to comply with the requirements of the Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety Act 1990.

Plan Nos: 18675-122-002 Rev.A, 18675-122-003 Rev.B, 18675-122-04

Reports: CBRE Planning Statement (July 2009)
PBA Transport Statement (July 2009)
PBA Flood Risk Assessment (August 2009)
PAF Marketing Report (October 2009)

**GOODWILL TO ALL PUBLIC HOUSE, P/0898/09/RH/MAJ
HEADSTONE DRIVE, WEALDSTONE, HA1
4UN**

Ward

MARLBOROUGH

DEMOLITION OF EXISTING PUBLIC HOUSE AND REDEVELOPMENT OF SITE TO CREATE A PART 3 PART 4 PART 5 AND PART 6 NEW BUILD APARTMENT BUILDING COMPRISING 56 FLATS WITH CAR PARKING AND LANDSCAPED COURTYARD.

Applicant: MR TERRY O'SULLIVAN

Agent: ARC7 DESIGN

Statutory Expiry Date: | 07-SEPT-09

RECOMMENDATION

That Committee resolves that, had the application not been appealed under the grounds of non-determination, it would have been refused for the following reasons:

1 The proposed development is, by reason of its scale, character and design, inappropriate to this site, its setting and its context. The proposal is therefore considered to be contrary to 'saved' Policy D4 of the Harrow Unitary Development Plan and policies 4B.1 and 4B.2 of the London Plan (consolidated with alterations since 2004) 2008 and the guidance at paragraph 34 in PPS1.

2 The proposed development fails to demonstrate how the proposed use could take place without compromising the continued operation of the commercial activities taking place on the adjacent strategic employment site which could result in pressure for restraint of activities on the adjacent site, contrary to the objectives of policies D5 and EM14 of the Harrow UDP and policies 2A.10 and 3B.4 of the London Plan (consolidated with alterations since 2004) 2008.

3 The proposed development, by reason of excessive residential density is considered to be an over intensive use of the site that would result in compromised living conditions for future occupiers, with north facing units receiving inadequate sunlight, enclosed rooms on flank elevations, an overall shortage of amenity space on site, inadequate children's playspace, noise and disturbance from adjacent uses and limited opportunity to mitigate this through the use of single aspect units, and enclosed internal corner units. The proposal is therefore considered to be contrary to policies D4, D5 and EP25 of the Harrow UDP and London Plan policies 3A.3, 3A.6, 3D.13 of the London Plan (consolidated with alterations since 2004) 2008.

4 The proposed development has failed to demonstrate that the loss of trees protected by Tree Preservation Order would be acceptable, or that the development would provide adequate opportunity for replacement planting or landscaping to soften the appearance of the development, contrary to D4, D9, D10 and EP29 of the Harrow Unitary Development Plan.

5 The proposed development has failed to demonstrate that it would provide adequate cycle storage facilities, contrary to sustainable transport initiatives and policy 3C.22 of the London Plan (consolidated with alterations since 2004) 2008.

6 The application fails to demonstrate how the development would satisfy the requirements of Policy 3A.5 of the London Plan to provide 10% of the proposed units to wheelchair housing standard, and is therefore considered to fail to address the shortage of accessible housing in London, contrary to policy 3A.5 of the London Plan (consolidated with alterations since 2004) 2008.

7 The application fails to provide a completed legal agreement to provide contributions to offset the impact of the proposed development on social infrastructure including education, primary health care and parks and recreation facilities or to provide for offsite tree planting that would be necessary to mitigate the loss of trees on site, contrary to policies C2, D5, EP30 of the Harrow UDP and policy 6A.5 of the London Plan (consolidated with alterations since 2004) 2008.

National Planning Policy:

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS9 Biodiversity and Geological Conservation

PPG13 Transport

PPG24 Noise and Vibration

London Plan:

2A.10 Strategic Industrial Locations

3A.1 Increasing London's supply of Housing

3A.2 Borough Housing Targets

3A.3 Maximising the potential of sites

3A.5 Housing Choice

3A.6 Quality of new housing provision

3A.8 Definition of affordable housing

3A.9 Affordable housing targets

3A.10 Negotiating affordable housing in individual private and residential and mixed-use schemes

3A.11 Affordable housing thresholds

3B.4 Strategic Industrial Locations

3C.22 Improving Conditions for Cycling

3D.13 Children and Young Peoples Play and Informal Recreation Strategies

4A.1 Tackling climate change

4A.2 Mitigating climate changes

4A.3 Sustainable Design and Construction

4A.4 Energy Assessment

4A.6 Decentralised Energy: Heating, Energy and Cooling

4A.7 Renewable Energy

4A.8 Hydrogen Economy

4A.9 Adaptation to Climate Change

4A.1 Tackling climate change

4A.3 Sustainable design and construction

4A.4 Energy Assessment

4A.6 Provision of heating and cooling networks

4A.7 Renewable Energy

4B.1 Design principles for a compact city

4B.5 Creating an inclusive environment

4B.6 Safety, security and fire prevention and protection
6A.5 Planning Obligations

SPG Housing
SPG Children and Young Peoples Play and Informal Recreation

Saved Policies of the London Borough of Harrow Unitary Development Plan [2004]:

S1 The Form of Development and Pattern of Land Use
EP20 Use of previously developed land
EP25 Noise
EP27 Species Protection
EP28 Conserving and Enhancing Biodiversity
EP29 Tree Masses and Spine
EP30 Tree Preservation Orders and new planting
T6 The transport Impact of Proposals
T11 Cycle and Motor Cycle Parking in Public Spaces
T13 Parking Standards
D4 The standard of Design and Layout,
D5 New Residential Development –Amenity Space and Privacy
D9 Street side Greenness and Forecourt Greenery
D10 Trees and New Development
H7 Dwelling Mix
EM14 Land and Buildings in Business, Industrial and Warehousing Use – Designated Areas
C2 Provision of Social and Community Facilities
C16 Access to Buildings and Public Spaces
C18 Special Mobility Requirements and Access to Transport

Supplementary Planning Document Access for All [2006]
Supplementary Planning Document Accessible Homes SPD [Apr 2006]
Sustainable Community Strategy [Mar 09]
Supplementary Planning Document Sustainable Building Design [May 2009]

Background

Following the submission of the application in April 2009, preliminary assessment of the proposal by Officers identified significant issues with the application that could not be readily resolved through amendment of the scheme. Nevertheless, the Planning Department then entered into discussion with the applicant in an effort to develop a more acceptable scheme.

However, during the course of this negotiation on the scheme, and following the Council advising the applicant of the extensive range of concerns with the scheme, the applicant chose to appeal the non-determination of the application by the Council.

The application is now presented to Committee for endorsement of the proposed reasons that would have been used to refuse the application, but will now be used to form the Council's case at appeal. For clarity, the Committee is not being asked to determine the application, as this will be now be done by the Planning Inspectorate.

MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).

- 1) Principle of Development (3A.3, 3A.15)
- 2) Affordable Housing (3A.9, 3A.10)
- 3) Housing Density and Unit Mix (3A.2, 3A.3, 3A.5, 3A.6, 3A.7, 3A.8)
- 4) Design and Character of Area (4B.1, 4B.5, D4, D5, D10)
- 5) Living Conditions for Future Occupiers (D4, D5, 4B.1)
- 6) Open Space and Landscape Setting (EP48, D4, D9, D10)
- 7) Neighbourhood Amenity (D5, EP25)
- 8) Parking and Highway Safety (3C.23, T6, T13)
- 9) Accessibility (3A.5, 4B.5, D4, C16, SPG)
- 10) Sustainability – Energy Demand and Water Resources (4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7)
- 11) S17 Crime & Disorder Act (4B.1, 4B.6, D4)
- 12) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type:	Major development
Site Area:	0.2183 ha
Density:	256 dph 746 hrph
Car Parking:	Standard:
	Justified:
	Provided: 47
Lifetime Homes	56
Wheelchair Easily	
Adaptable	
Council Interest:	None

b) Site Description

- The application relates to the generally rectangular shaped, 2,183sqm site of the Goodwill to All Public House, which is located on the northwest corner of the junction of Headstone Drive and Harrow View, Wealdstone.
- The site is currently occupied by the two storey Public House building that is positioned to the western end of the site, addressing the road junction.
- An open air seated area for patrons is provided to the front of the building.
- Car parking is provided to the rear of the building, with access provided from both Harrow View and Headstone Drive.
- The Public House remains operational and has a distinct benefit in not directly adjoining any residential properties.
- Trees on the southern site boundary are covered by a Tree Preservation Order as is a tree to the rear of the Public House building.
- North and east site boundaries benefit from further tree and hedge planting, both within the site and on adjoining sites.
- Two billboard signs have been erected on the southern boundary of the site.
- The site is not covered by any specific land use designation in the Harrow UDP, and the site is not within a Conservation Area.
- The site has a Public Transport Accessibility Level of 2.

Surrounding Development

- To the north and east, the application site adjoins the expansive industrial estate known as the Kodak Site, which forms a significant part of the Wealdstone Industrial Area.
- The Kodak site and wider Wealdstone Industrial Area are designated in the Harrow UDP as an Industrial and Business Use Area.
- The Wealdstone Industrial Area is identified in the London Plan as a Preferred Industrial Location.
- A large scale, three storey office building is located adjacent to the eastern boundary of the application site. This building is used as the principal office accommodation for the Kodak site.
- Smaller scale development adjoins the site to the north.
- To the south and west, the three other corners of the road junction are occupied by ground floor retail parades with residential flats above.
- The area to the south and west is characterised by two storey semi detached and terrace housing within a suburban setting. The exception to this predominant character is three storey development located diagonally opposite the site.

c) Proposal Details

- Full application for the demolition of the existing Public House building on the site and residential redevelopment.
- A single block of flats is proposed, providing frontage to both adjacent roads and rising to a maximum of six storeys on the corner.
- The development would provide a total of 56 flatted units: 15 one bedroom units, 33 two bedroom units, 6 three bedroom units and 2 four bedroom units.
- 50% of the units would be provided as affordable housing, all of these affordable units would be provided for social rent.
- A total of 47 car parking spaces (including 9 designated for wheelchair users) would be provided on the site at ground floor level, with access provided from Harrow View.
- Communal amenity space would be provided to the rear of the building, on a raised area over the ground level car parking.

d) Relevant History

HAR/14325/B	Erection of 4 flats	REFUSED 17-JUN-59
HAR/14325/C	10 garages and car park	REFUSED 24-JAN-61
HAR/14325/D	10 garages and car park	GRANT 24-SEP-61
LBH/31239	Entrance canopy, front building wall and raised terrace	GRANT 08-JAN-87
EAST/511/01/FUL	Single storey side/rear extension and alterations including escape stair to rear and access ramp between car parks	GRANT 04-SEP-01

e) Pre-Application Discussion

- The applicant sought pre application advice from the Council four times prior to the submission of the application, in July, September and October 2008 and in January 2009.
- The application is generally consistent with the content of the discussions held through that time and the final version of the scheme discussed.
- The Officer opinion expressed through the pre application responses was generally supportive of the proposed redevelopment.
- Concerns raised throughout the pre application process were generally addressed.

f) Applicant Statement

The site is rundown and not economically viable, the existing building is low quality. The development is to be constructed to optimum construction standards. The building would significantly enhance and contribute to the streetscene and amenity of the area. The development was designed in line with relevant local and national planning policy and guidance. The design of the scheme has fully embraced Lifetime Homes Standards. The scheme would work towards achieving a renewable energy target of 20% as defined by the London Plan. The scheme has benefited from considerable consultation with the Local Planning Authority. The proposed building has been designed as a landmark building that will add with the regeneration of the area. The proposed development aims to provide a more sustainable use of this site and contribute to the ongoing regeneration of the area, providing a high quality building in terms of architectural design, housing provision and materials, whilst making a valuable contribution to the streetscene and community life.

g) Consultations:

Thames Water: No objection is raised with regard to sewerage infrastructure on site. Surface water drainage is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. The applicant should ensure that storm flows are attenuated or regulated into the receiving public network.

Engineering Services: Suggested conditions/formatives

CONDITION:

The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

CONDITION:

The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

The development of any buildings hereby permitted shall not be commenced until surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding.

Landscape Architect: The Design and Access statement does not mention landscaping and only a brief reference is made to the tree loss on the site. Several trees are lost as a result of the scheme, including a TPO 288 group of trees, 2 Ash and 1 No Yew and an Area order on the trees adjacent to Headstone Drive, in particular 7 No trees. Trees are also lost on the boundary to the east of the site. These trees can be seen from a public place and therefore this is a loss of visual amenity and green softening to the area. Trees should be proposed to replace loss of trees, and since there is minimal space on site, a Section 106 agreement could be used to provide trees at the crossroads of Harrow View/ Headstone Drive. 10 street trees should be proposed (refer to Russell Ball's comments 18th June 2009) to replace the TPO'd trees and boundary trees at the crossroads, subject to the constraint of any underground utility. Care should be taken to protect the existing neighbouring lime trees (adjacent to the site on the north boundary with Kodak at Harrow View), protected by a group TPO, number 874.

A Sewage and Utility Statement briefly mentions external lighting to illuminate streets, pathways and landscape areas. No details are given.

There appears to be minimal evidence of any consideration given to landscaping. There are no detailed plans. Drawing F520/P110 and P007 show an outline of landscape, without a key or explanation.

The landscape information provided is insufficient.

I require the following:

A landscape masterplan for the proposed hard and soft landscape, showing both the existing trees and shrubs to be retained and the proposed trees, shrubs and grass.

Advertisement: Major Development Expiry: 25-JUN-09

Notifications:
Sent: 97 Replies: 13 Expiry: 07-JUL-09

Summary of Response:

The proposal is an overdevelopment of the site with excessive height and size,
The proposed development would result in increased traffic in the area and additional pressure on the adjacent road junction, which is already stressed,
Additional pressure on on-street car parking in the area,
Additional pressure on the already over crowded local bus routes,
Impact on local services, particularly schools,
Noise and disturbance to the surrounding area,
Loss of light to neighbouring residential properties.
Loss of a local landmark and character of the area

The Goodwill to All is a recreational facility used by a wide range of member of the local community

Overcrowding and strain of resources such as water supply and drainage.

Comment/ Response:

The objections relating to excessive scale of development, loss of community facility, additional pressure on the car parking availability in surrounding streets and the impact on schools and local services are noted, and are addressed in the content of the report.

APPRAISAL

1) Principle of Development

The application site is currently in use as a Public House and is not subject to any specific land use designation in the Harrow UDP.

Policy C10 of the Harrow UDP seeks to retain existing community facilities in the Borough. However, in the context of this policy, the definition of community facility is not considered to extend to include public house uses located in the suburban area. There are no other land use policies in the Harrow UDP relevant to the existing Public House use.

Accordingly, there is not considered to be any policy protection of the existing Public House use on the site and the loss of this use through redevelopment could be accepted, subject to an acceptable replacement use that meets the requirements of the other policies within the development plan.

While the proposed residential use of the site would be consistent with the character of the area to the south and west of the site, there is potential for conflict with the industrial and business uses of the Kodak site that adjoins the eastern and northern site boundaries.

The Kodak site is designated in policy EM14 of the Harrow UDP for Business, Industrial and Warehousing uses and forms part of the London Plan designated Wealdstone Preferred Industrial Location that is protected by London Plan policy 3B.4. This area to the north and west of the application site is a strategic employment location for commercial activities that are often incompatible with residential uses in close proximity. While the Kodak site is not currently in full use, Development Plan policies provide for the continuation of this commercial use.

Commercial uses consistent with the Kodak site designation could result in significant detriment to residential amenity on the application site, if redevelopment proposals did not fully take this potential impact into account. Given the strategic importance of the Preferred Industrial Location, it is important that redevelopment of the application site did not prejudice the future use or regeneration of the Kodak site.

For clarity, given the specific land use designation, the importance of protecting the commercial use of the Kodak site is considered to outweigh the benefits of housing provision from the application scheme.

It is therefore considered that the residential redevelopment of the site is acceptable in principle, subject to the compatibility of the specific scheme with the commercial uses of the Kodak site. As detailed in the following sections of this report, it is considered that the application proposal has not adequately addressed the potential relationship with the Kodak site uses, and there is concern that the residential amenity provided by the proposed development would be compromised by the commercial activities of the Kodak site.

2) Affordable Housing

London Plan policy 3A.9 states that affordable housing targets should be based on an assessment of regional and local housing need and a realistic assessment of supply and should take account of the strategic target that 35% of housing should be for social renting and 15% for intermediate provision (50% overall affordable housing provision target); and the promotion of mixed and balance communities.

London Plan policy 3A.10 requires boroughs to seek the maximum reasonable amount of affordable housing; having regard to own overall target for affordable housing.

In accordance with the overall London Plan target, the application proposes that 28 of the 56 units (50%) would be provided as affordable housing. However, while the London Plan seeks a tenure split between social rent and intermediate units of 70:30, the application proposes that all of the affordable units would be provided for social rent.

The Council's Housing Team have not objected to this variation from the desired tenure mix. On the basis of the limited amount of social rent accommodation in the surrounding area, in this case, the proposed concentration of social rent units is considered to be acceptable in principle.

While this contribution of affordable housing would make a valuable contribution to the affordable housing stock of the Borough, this benefit is not considered to outweigh the overall deficiencies of the scheme.

3) Housing Density and Unit Mix

London Plan policy 3A.5 and Harrow UDP policy H7 require new development to provide a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.

London Plan policy 3A.6 requires new development to take account of the design and construction policies set out in Chapters 4A and 4B, and the density requirements of policy 3A.3 and their implications for bedroom numbers per dwelling.

Target guidance ranges for the density of new residential development are specified in Table 3A.2 Density Matrix of the London Plan. The density guidance ranges specified in this table are related to the site location setting, the existing building form and massing, the indicative average dwelling size, and the Public Transport Accessibility Level (PTAL) of the site.

The application site is considered to be located within a suburban area, and has a Public Transport Accessibility Level of 2. The London Plan density guidance for such a site, set out in table 3A.2 of the London Plan, provides a range of 150 – 250 habitable rooms per hectare and 50 – 95 units per hectare as being appropriate for residential development in this setting.

The proposed development would have a residential density of 256 units per hectare and 746 habitable rooms per hectare.

This density is significantly in excess of the London Plan guidance for the site, and is more consistent with a central location with very good public transport accessibility, at the upper end of the density matrix. This is a significant indicator of the proposed overdevelopment of the site.

4) Layout, Scale and Design and Relationship to Surrounding Area

Policy D4 of the Harrow UDP sets out a number of design objectives that new developments should seek to achieve, with the underlying objective of requiring new development to be of high quality design.

Good design lies at the core of national planning policy guidance. Planning Policy Statement 1 Delivering Sustainable Development (PPS1) advises at paragraph 34 that design which is inappropriate in its context, or fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. It also encourages the efficient use of land and the use of higher densities, although not at the expense of good design.

Furthermore PPS1 refers to a range of design guidance including By Design that identifies the analysis and understanding of the character of an area as an essential prelude to the design of any proposed development.

The fact that this corner site can be approached from 4 directions and affords a variety of publicly accessible viewpoints is indicative of the complexity of the design challenge facing the development, it requires a sophisticated robust design approach. The existing PH is a two storey building and the proposed building would be a substantial change in the street scene.

The applicants have provided some explanation of the design approach in the accompany Design and Access Statement (DAS), within this they state that they are looking to create a 'landmark' building stepping 'up to five floors at the corner' however there is little in the way of reasoned justification for this response. The DAS then goes on to state that the proposals are in fact six storeys.

The proposals take reference from the existing Kodak building (Headstone Drive) stating in the DAS that it is effectively five storeys, however it appears functionally as three storeys with the floor height raised above street level. In any event, the application drawings show that the proposed building would be noticeably taller than the existing Kodak building. Looking to the south and west at present, the proposals does little to relate in scale to the existing properties. Properties in the immediate vicinity fronting Headstone drive to the south are predominately 2 storey and properties along Harrow View being predominately 2 storey, with a 3 storey building forming the opposing corner south west of the site.

In terms of layout the existing PH faces the cross roads formed by Headstone Drive and Harrow Road, it does not form complete enclosure of the corner site and there are open views in and around the building. Conversely the proposal forms effectively complete enclosure to site with built form fronting all the way around the corner. There is limited setback from the back edge of pavement, this approach in combination with the scale referred to above, reinforces the mass of new built form that it is overbearing and out of character with the surrounding street scene.

Architecturally the fenestration and detailing reinforce the horizontal emphasis, particularly on the corner and upper floors. This, taken in combination with the height and extent of built form create a visually homogenous block of built form again out of character with the area.

Consequently the proposal lacks a meaningful visual relationship with its urban context with a scale and mass that would appear incongruous in the context of the surrounding urban environment, as such it would be detrimental to the design of the area. The proposed development would not be of an appropriate scale and character for the site and does not conform to Harrow UDP policy D4 or national planning policy in these respects.

5) Living Conditions for Future Occupiers

Policy D5 of the Harrow Unitary Development Plan 2004 requires new residential development to provide suitable amenity for future occupants. This is also a requirement of policy D4 of the UDP.

London Plan Policy 3D.13 seeks to ensure that children have safe access to good quality, well designed, secure and stimulating play and informal recreation provision. London Plan Supplementary Planning Guidance: Children and Young Peoples Play and Informal Recreation, requires well designed play and recreation space for every child to be accommodated in new housing development. Specifically, appropriate and accessible facilities within 400m for 5-11 year olds or within 800m for 12 plus age group alternatives are recommended.

The London Borough of Harrow Play Strategy [2007-2012] seeks to ensure that new development recognises and addresses the importance of incorporating good quality, inclusive, safe and stimulating play spaces.

The applicant has submitted a daylight/sunlight study in support of the application. The report concludes that, while all of the units would receive adequate levels of daylight, rooms in the northward facing units (which comprise 30% of the total number of units) would not receive the recommended minimum sunlight level.

Ground floor units -

As discussed earlier in this report, the layout of the proposed development provides limited setback from what is generally acknowledged to be a busy road junction. Three single aspect family units are proposed to be provided at this level, and three single aspect one bedroom units.

As single aspect units, the activity of these units would be focussed on the front elevation. However, there is concern that this would be subject to overlooking from the adjacent footpaths. The busy nature of the junction would also inevitably result in disturbance to the residential amenity of these units

The internal configuration of the ground floor family units provides long narrow rooms, which would compromise the internal use of the units. This is a further manifestation of the overly intensive nature of the proposal.

First floor units -

The first floor units opening onto podium are detailed as having what appear to be private patio areas. These would be quite shallow in front to rear depth, with limited usability. There is also concern that the enclosure of these private spaces that would be necessary to provide for privacy from the communal garden, would significantly limit outlook from these units.

Internal corner units -

At first floor level, flat 10 spans the internal corner of the proposed building and is adjacent to one of the core accesses to the communal podium level. Suitably high enclosure of this unit would be necessary to provide privacy from users of the access, and given the limited separation, this would substantially enclose this unit.

The enclosure of this unit is exacerbated as the northern wing of the building steps out further rearward from the building line provided at the internal corner. This arrangement would similarly compromise each of the internal corner units on the floors above.

Flank elevation units -

The proposed development provides limited separation to the east and north boundaries. The design has sought to provide angled box windows with, what is assumed to be, an obscure glazed central panel, to the flank elevation units to minimise the potential for overlooking from the neighbouring office building to the east. While this arrangement would be accepted for secondary windows to habitable rooms, it would be the sole window arrangement for a bedroom on each of the first, second and third floor levels. This window arrangement would provide limited light and outlook to these bedrooms, with a resulting sense of enclosure in the affected rooms. A similar arrangement is proposed at the other end of the building, adjacent to the northern property boundary, also affecting a bedroom at each of the first, second and third floor levels.

While in the overall context of the proposal, this does not necessarily represent grounds for refusal of the scheme, it is a further indicator of the overdevelopment of the proposal. A more acceptable design would not have provided a central bedroom to the flank elevations, allowing for a better relationship with the adjacent development.

Adequacy of Amenity Space

The proposed communal amenity space to the rear of the site would be on podium level, above the ground floor car parking level. The application drawings have been detailed to show this as a formally laid out amenity space.

The proposed amenity space is considered to be inadequate for the needs of the overall population that the development would yield. In particular, the development would fail to provide the necessary children's play space as required by the Providing for Children and Young People's Play and Informal Recreation Supplementary Planning Guidance.

This is a further indicator of the overall excessive intensity of the development proposed.

6) Potential Conflict with the Kodak Site

The large Kodak site which adjoins the northern and eastern site boundaries is safeguarded in both the Harrow UDP and the London Plan for strategic, industrial based, employment purposes. Specifically, the Harrow UDP designation refers to Business, Industrial and Warehousing uses.

The uses that the Kodak site is allocated for, along with the scale of the Kodak site, have the potential to cause detriment to the residential amenity of surrounding properties. The existing relationship between residential properties and the Kodak site in the immediate vicinity is interrupted by the local highways, which act as a buffer between the site and the residential properties. The application scheme differs in that it proposes to introduce residential uses immediately adjacent the Kodak site.

While the adjoining Kodak site development to the east comprises a three storey office building, less neighbourly commercial activities occur across the site. These activities, storage of associated materials and general disturbance associated with activity on the site have the potential to significantly impact on the quality of the residential environment that would be provided on the application site, through noise and odour, and a general industrial appearance of the site. In particular the impact of low noise generating activities such as vehicle and staff movement, which are difficult to control, would be exacerbated on the application site were the Kodak site to be used more intensively over its existing 24 hour operations.

An argument that the activities on the site should be restrained to respect residential redevelopment of the application site would be inconsistent with the strategic allocation of the Kodak site and the importance of this site for employment and industrial purposes. It should also be noted that future industrial based redevelopment and intensified use of the Kodak site would be consistent with the underlying objectives of the related Development Plan policies, and that the proposed redevelopment of the application site should not in any way prejudice this.

While this relationship is considered to be a constraint on the residential redevelopment of the application site, it does not preclude such development. However, it does require a sensitively designed scheme that addresses the constraint to minimise the potential detriment to the resulting residential amenity.

In this case, there is concern that the unbroken form of the building could act to 'trap' noise arising from the neighbouring site. The proposed single aspect units facing into the application site (north and east aspect units) would offer limited respite from disturbance arising from commercial activities of the site.

The outlook of these units, overlooking an industrial estate, could also be unpleasant. Accordingly, it is considered that the proposed development has not adequately addressed the relationship between residential amenity of the scheme and the neighbouring commercial activities. This would result in compromised living conditions for future occupiers and potential pressure to restrain activities on the Kodak site.

7) Car Parking and Transport Matters

London Plan Policy 3C.23 seeks to regulate parking in order to minimise additional car travel, reduce trip lengths and encourage use of other, more sustainable means of travel. Annex 4 Parking Standards of the London Plan states that Public transport accessibility should be used to assist in determining the appropriate level of car parking provision. Policy T6 of the HUDP requires new development to address the related travel demand arising from the scheme and policy T13 requires new development to comply with the Council's maximum car parking standards.

While acknowledging that the adjacent junction has peak period capacity issues, the Council's Highway Engineer has stated no objection to the traffic generation arising from the proposed development. Minor alterations are however, recommended to the proposed site entrance arrangement.

The Council's Highway Engineer also recommends that a travel plan should be sought by condition. The principal purpose of travel plans is to encourage the use of sustainable travel modes. Given the limited public transport facilities available in this location, it is considered that travel planning would be of limited value for this site.

The Council's car parking standard would allow a maximum of 77 car parking spaces, including 11 visitor spaces, to be provided on the site.

The application proposes car parking provision of less than one space per unit (0.84 spaces per unit), providing a total of 47 car parking spaces (including 9 designated wheelchair spaces). This car parking provision is within the maximum limit and is considered to be acceptable.

While this car parking provision is within the maximum limit, the relatively poor Public Transport Accessibility Level of the site (PTAL of 2), combined with the limited services available in the immediate area, suggests that the location is not suited to car free development. On this basis, it is not considered reasonably likely that future occupiers of the 9 units not allocated a car parking space would remain car free, and it is therefore likely that the surrounding roads would be subject to off spill car parking arising from the proposal. Due to parking restrictions, there is limited scope for this in the immediate area.

The application proposes the provision of 40 cycle parking spaces. This does not accord with the London Plan standard, which requires a minimum of one space per unit. Furthermore, the limited detail provided on the submitted plans indicates that 40 cycle parking spaces could not be accommodated within the designated cycle storage areas.

Again, the failure to adequately provide for, what is in this case a significant space requirement, is a further indicator of the proposed overdevelopment of the site. The failure to provide for adequate cycle parking within the scheme is considered to provide a sustainable reason for refusal of the scheme.

No parking provision for motorcycles or motor scooters has been provided within the scheme.

8) Impact on Trees and Replacement Landscaping

Policy D4 of the HUDP identifies the importance of landscaping as part of the overall design of a site. Policy D9 seeks to achieve and retain a high quality of street side greenness and forecourt greenery and Policy D10 seeks to achieve a balance between the design, bulk and siting of new buildings and the retention of as many trees as possible.

The applicant proposes felling of the existing trees on the site that are protected by Tree Preservation Orders.

A Tree Survey has been submitted by the applicant that acknowledges the general good health of these trees.

The northern flank elevation of the proposed building would be within the crown spread of trees that are positioned on the adjoining site to the north. The lime trees on this northern boundary are protected by a group Tree Preservation Order. The scheme would also effectively require the felling of these trees on the adjoining site. This would be subject to further civil agreement between the two parties.

The proposed development scheme provides limited opportunity for substantial replanting within the site. The proposed layout provides inadequate space for substantial planting to the road frontages and there are significant concerns that the proposed podium amenity level would not provide adequate root depth for substantial planting. No detail of replacement planting is provided with the application.

Overall, the felling of trees on the site could be considered to be acceptable, were the specifics of the proposed redevelopment considered to be of suitable merit to outweigh the loss of the trees on the site contrary to the UDP policy guidance, and subject to provision for replacement planting both on and off the application site. In this case, the proposal scheme does not merit the loss of these trees.

9) Accessibility

London Plan Policy 3A.5 requires that all new housing is built to lifetime homes standards and that 10% of new housing is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Policy 4B.5 of the London Plan requires all new development to meet the highest standards of accessibility and inclusion. Policy D4 of the Harrow Unitary Development Plan requires that buildings should be laid out in such a way to encourage pedestrian movement, minimise the distance to other land uses and transport and maintain a high level of accessibility. Policy C16 of the HUDP seeks to ensure that buildings and public spaces are readily accessible to all.

Two of the three cores of the building would be provided with lifts.

The applicant has provided detail to confirm the compliance of the units with Lifetime Homes Standards.

In accordance with the London Plan policy guidance, 6 units should be provided to wheelchair housing standard. The applicant has not provided any commitment in this respect, and this is considered to represent grounds for refusal.

Accordingly, the development is considered to be contrary to the accessibility requirements of policies 3A.5, 4B.5 of the London Plan and policies D4 and C16 of HUDP.

10) Sustainability – Energy Demand and Water Resources

London Plan policy 4A.1 'Tackling Climate Change' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach to sustainability, which is expanded in London Plan policies 4A.2, 4A.3, 4A.4, 4A.6 and 4A.7. Overall, the set of policies seeks to address climate change through minimising emissions of carbon dioxide.

The Sustainability Report submitted with the application states that the baseline CO₂ emissions of the scheme would be reduced by 10.7% through energy efficient design and fitted appliances, and a further 20% through ducted air source heat pump renewable energy generation. This is considered to comply with the requirements of London Plan policies 4A.3 and 4A.7, which require energy efficient design and construction and the on-site generation of renewable energy to reduce CO₂ emissions by 20%.

The report excludes consideration of CHP technology on the basis that this would not be financially viable for a scheme of this size. Further detail of this should be provided to meet the requirements of London Plan policy 4A.6. It is noted that CHP units have been incorporated into similar sized schemes that have been submitted for planning approval. CCTV coverage would also be expected to be provided for the car parking area.

The proposed development is based on single aspect units, which lack the opportunity for natural cross ventilation. Were the recommendation for approval, it would have been expected that this would have been offset through other sustainable design measures and assessed against an Ecohomes rating.

Were the recommendation for approval, these measures could have been secured by condition.

11) Planning Obligations

Were the recommendation for approval, planning obligations would have been sought to ensure that the proposed development addressed the resulting impact on the surrounding area.

Financial contributions would have been sought to address the impact on local education resources, primary health care provision, and on the basis of inadequate onsite amenity space provision, towards local parks and play facilities.

A contribution towards local employment programs would also be sought.

A more specific obligation would have also been sought towards the provision of offsite tree planting in the local area to offset the absence of planting or opportunities for planting within the proposal scheme.

12) S17 Crime & Disorder Act

Policy D4 of the Harrow Unitary Development Plan 2004 advises that crime prevention should be integral to the initial design process of a scheme. Policies 4B.1 and 4B.6 of the London Plan (consolidated with alterations since 2004) seeks to ensure that developments should address security issues and provide safe and secure environments.

A significant recess is provided to the vehicle entrance controlled opening from the highway. The refuse and recyclables storage area is provided in this recessed area, outside of the access controlled area of the development. This is contrary to Secure by Design guidance, but it is considered that this could have been addressed through further detailed work, had the recommendation been for approval of the application.

13) Consultation Responses

Comment/ Response:

The objections relating to excessive scale of development, loss of community facility additional pressure on the car parking availability in surrounding streets and the impact on schools and local services are noted, and reflected in the content of the report.

Objection to traffic generation arising from the proposal is not considered to be sustainable, given the limited impact that this would have in relation to existing flows. Similarly the impact on bus services is not considered a sustainable reason for refusal, given the population yield from this development in relation to the existing passenger numbers.

The impact of general noise and disturbance to the area is not considered to be sustainable give the residential use and suburban location. Concern regarding loss of light is noted, however this is not considered to be a sustainable objection given the orientation of the site and development in relation to neighbouring residential uses and the separation between the site and these properties.

Policy C10 of the Harrow UDP seeks to retain existing community facilities in the Borough. However, in the context of this policy, the definition of community facility is not considered to extend to include public house uses located in the suburban area. There are no other land use policies in the Harrow UDP relevant to the existing Public House use.

The applicant would have to obtain separate permission from the Three Valleys Water Company for water supply for the development.

The Council's Drainage Engineers have recommended conditions requiring details of drainage system for the development to be submitted should the application be recommended for approval.

Plan Nos Design and Access Statement submitted 1 May 2009; F520/E001B, P001B, P002, P100B, P110B, P120B, P130B, P140B, P150B, P160B, P200B, P201B, P202B, P203B, P204A, P205A, P206A, P300B, P301B submitted 15th May 2009; F520/P207 submitted 20th May 2009; Sewerage & Utility Statement, Sustainability Statement submitted 3 June 2009; Daylight & Sunlight Report, Transport Report submitted 5 June 2009; F520/P0006, F520/P0007 submitted 25th June 2009

Item: 1/04

**PARK HIGH SCHOOL, THISTLECROFT P/2161/09/SL/MAJ
GARDENS, STANMORE HA7 1PZ**

Ward BELMONT

TWO-STOREY TEMPORARY BUILDING TO PROVIDE 9 CLASSROOMS AND ANCILLARY ACCOMMODATION, SINGLE-STOREY DETACHED BUILDING TO PROVIDE SPORTS CHANGING ACCOMMODATION AND NEW SUB-STATION

Applicant: LONDON BOROUGH OF HARROW

Agent: LOM

Statutory Expiry Date: 31-DEC-09

This application was deferred at 4 November 2009 Planning Committee to enable a re-assessment of tree impact and to allow for a wider re-consultation.

RECOMMENDATION

Under Regulation 3 of The Town and Country Planning General Regulations 1992, GRANT permission for the development described in the application and submitted plans, subject to conditions.

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is LB Harrow and the land at Park High School is owned by LB Harrow.

REASON

The decision to recommend GRANT of planning permission has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, to meet the Vision of the Council in maintaining high standards of schools, as detailed in Harrow's Sustainable Community Strategy [Mar 09], and any comments received in response to publicity and consultation:

The London Plan [2008]

3A.24 – Education Facilities

4A.3 – Sustainable Design and Construction

4B.1 – Design Principles for a Compact City

4B.5 – Creating an Inclusive Environment

London Borough of Harrow Unitary Development Plan [2004]:

D4 – The Standard of Design and Layout

C16 – Access to Buildings and Public Spaces

EP25 – Noise

EP46 – Open Space

Harrow's Sustainable Community Strategy [Mar 09]

Legal Comments

Regulation 3 of the Town and Country Planning General Regulations 1992 [Statutory Instrument 1992/1492] provides [in relevant part] that applications for planning permission by an interested planning authority to develop any land of that authority shall be determined by the authority concerned, unless the application is called in by the Secretary of State under Section 77 of the Town and Country Planning Act 1990 for determination by him. The application is made by LB Harrow who intends to carry out the development and the land at Park High School is owned by LB Harrow.

The grant of planning permission for this development falling within Regulation 3 shall enure only for the benefit of LB Harrow.

MAIN CONSIDERATIONS AND POLICIES [The London Plan 2008 & saved policies of The London Borough of Harrow Unitary Development Plan 2004]

1) Principle of Development and Land Use

The London Plan [2008]

3A.24 – Education Facilities

Boroughs should provide a criteria based approach to the provision of different types of educational facilities and the expansion of existing facilities, taking into account the need for new facilities...

2) Quality of Design and Accessibility

The London Plan [2008]

3A.24 – Education Facilities

4B.1 – Design Principles for a Compact City

The Mayor will, and Boroughs should, seek to ensure that developments should maximise the potential of sites, and be accessible...

4B.5 – Creating an Inclusive Environment

The Mayor will require all future development to meet the highest standards of accessibility and inclusion.

Harrow Unitary Development Plan [2004]

D4 – The Standard of Design and Layout

The Council will expect a high standard of design and layout in all development proposals.

C16 – Access to Buildings and Public Spaces

The Council will seek to ensure that buildings as well as public spaces are readily accessible to all, including wheelchair users. Development proposals should be adequately designed to accommodate the needs of all users.

3) Neighbour Amenity

Harrow Unitary Development Plan [2004]

D4 – The Standard of Design and Layout

EP25 – Noise

In assessing planning applications, the Council will take into account noise and vibration levels likely to result from or affect a proposal and will require noise, vibration and disturbance to be minimised.

- 4) Section 17 Crime & Disorder Act**
Harrow Unitary Development Plan [2004]
D4 – The Standard of Design and Layout

- 5) Consultation Responses**
None received.

INFORMATION

- a) Summary**
Statutory Return Type: Major
Site Area: 1.85 ha
Car Parking: Standard: None proposed
Council Interest: Council-owned property
- b) Site Description**
- Site is situated at the end of Thistlecroft Gardens.
- c) Proposal Details**
- As proposal description.
 - Temporary permission of five years sought.
- d) Relevant History**
- None
- e) Pre Application Discussion**
- The proposal was discussed with Stanley Lau [Deputy Team Leader – Major Application Team].
- f) Applicant Statement**
- It is requested that planning permission be granted for a five-year period.
- g) Consultations:**

Notifications:

Sent: 41

Replies: 0

Site Notice: 14-OCT-09

Summary of Responses:

- None received.

APPRAISAL

- 1) Principle of Development and Land Use**
The proposed temporary modular buildings are required as an interim measure in advance of the BSF masterplans being implemented. This would assist the School's aspirations in providing education in quality classroom accommodation in the longer term.

The proposed temporary modular buildings are considered acceptable in principle in terms of scale and design, in accordance with Policy D4 of Harrow's UDP [2004] and the land use would not deviate from the existing use on the site. The Proposals Map in Harrow's UDP indicates the site as white land [non-designation]. Accordingly, there are no specific policy constraints in The London Plan [2008] or Harrow's UDP [2004] that would preclude its development. Essentially, the proposal is supported by Policy 3A.24 of The London Plan [2008].

The proposal contributes towards key themes of Harrow's Sustainable Community Strategy [Mar 09]. The Community Strategy sets out a vision for the Borough to 2020. One of the key themes of the Community Strategy is 'Every Harrow Child'. The Vision states:

'Harrow will be a place where children and young people are healthy and safe and stay healthy and safe, where they are encouraged and helped to enjoy living, learning playing and growing and to achieve while doing so, where they can make a positive contribution to their own futures and to the future of their borough and the community generally, and where they can successfully prepare for and engage in activities to enjoy economic wellbeing.'

This Vision identifies the importance of the development of children and young people in the Borough, to ensure they have access to education opportunities and are healthy and safe as well as promoting social opportunities. The proposal for temporary classroom accommodation supports this Vision, with the proposed refurbishment and upgrade works to the existing school buildings to occur concurrently.

2) Quality of Design and Accessibility

The proposed two-storey flat-roof temporary modular building and single-storey modular building for changing rooms would be pre-fabricated. Details of materials would be attached to any planning consent as a condition and would be subject to consideration of Policy D4 of Harrow's UDP [2004].

Ramped access to the entrance of each temporary modular building would be provided, which would comply with the requirements of the Disability Discrimination Act [1995]. The internal lobby and access to all classrooms is sized to suit Part M of the Building Regulations [2000].

Consequently, the proposal accords with Policies 4B.1 and 4B.5 of The London Plan [2008] and Policies D4 and C16 of Harrow's UDP [2004].

3) Impact on Open Space and Trees

Noting that the site is designated as white land in Harrow's UDP, the location of the proposed two-storey temporary modular building at the south part of the site would replace two existing single-storey modular units. The main issue regarding this modular building is the impact of this unit on the adjoining designated Open Space to the south, which comprises a miniature golf course and on the trees to the south. This part of the proposal would be screened by the intense soft landscaping of mature trees and vegetation that runs along the southern boundary.

The applicant has re-visited the original proposal and the proposed two-storey modular unit will now be set further into the site, hence addressing any issues regarding impact on the trees. Consequently, Harrow's Tree Protection Officer is now satisfied with the proposal. It is considered this part of the temporary proposal is acceptable in accordance with the principle of Policy EP47 of Harrow's UDP [2004].

Details of the proposed sub-station at the south-west part of the site have now been finalised and is considered acceptable in the context of its proposed location [set away from the boundary, into the site and of single-storey] having regard to the adjacent Open Space designation.

The proposed temporary modular building comprising changing rooms, by reason of its proposed location is not considered to be an issue in this instance.

It is considered that a temporary permission of five years would be too extensive. Therefore, it is recommended to ensure the temporary modular buildings be removed within three years of any consent.

4) Section 17 Crime & Disorder Act

It is considered that the proposal would not have any detrimental impact upon community safety and is therefore acceptable on these grounds.

5) Consultation Responses

No response received.

CONCLUSION

The revised proposal is considered acceptable in terms of design, scale, positioning and would not adversely affect the amenities of adjoining residents.

For all the reasons considered above, and weighing up the Development Plan polices and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above, this application is recommended for GRANT, subject to the following conditions.

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The proposed two-storey modular buildings hereby permitted shall be removed and the land restored to its former condition within three years of the date of this permission.

REASON: To safeguard the amenity of neighbouring residents and to permit reconsideration in the light of circumstances then prevailing.

3 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

a: the extension / building(s).

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality.

4 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

5 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

6 The development of any buildings hereby permitted shall not be commenced until surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding.

7 None of the existing trees on the site shall be lopped, topped, felled or uprooted without the prior written permission of the local planning authority. Any topping or lopping which is approved shall be carried out in accordance with British Standard 3998 (Tree Work).

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected.

8 Prior to first occupation of the development, details of soft landscaping along the southern boundary shall be submitted to and approved in writing. Such details as approved shall be implemented prior to first occupation of the development and thereafter be retained for at least as long as the development is in place.

REASON: In the interest of protection of the adjacent Open Space.

9 Prior to commencement of development of the sub-station, such details of this part of the proposal shall be submitted to and approved in writing by the local planning authority.

REASON: In the interest of protection of the adjacent Open Space.

INFORMATIVES

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report: The London Plan [2008] Policies: 3A.24, 4A.3, 4B.1, and 4B.5.

The London Borough of Harrow UDP [2004] Policies: D4, C16, and EP25.

2 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 INFORMATIVE:

There may be public sewers crossing this site, so no building will be permitted within 3 metres of the sewers. The applicant should contact the Area Service Manager Mogden at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure.

Tel: 08459 200800

4 INFORMATIVE:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote **Product code:** 02 BR 00862 when ordering

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

5 INFORMATIVE:

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them.

Further information is available from the Health and Safety Executive Infoline on 0541 545500.

6 INFORMATIVE:

The applicant is reminded of the duties set out in the Disability Discrimination Act 1995 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person from October 2004.

The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

7 INFORMATIVE:

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: 1000F-24-CH-01B, 1000F-24-SS-01, 1000F-31-CH-01B, 1000F-31-CH-02B, 1000F-31-SS-01B, 1000F-21-GE-01B, and 1000F-24-M1-01G.

190-194 STATION ROAD, HARROW, HA1 2RH **Item: 1/05**
P/2132/09/DC3/MAJ

Ward GREENHILL
RETENTION OF 12 FLATS AT FIRST AND SECOND FLOOR LEVEL ABOVE
EXISTING RESTAURANT (RESIDENT PERMIT RESTRICTED)

Applicant: Mr Farhad Davarzani
Statutory Expiry Date: 14-DEC-09

RECOMMENDATION

A formal decision notice to **GRANT** permission for the development described in the application and submitted plans, subject to planning condition(s) noted below:

REASON

The retention of the 12 flats would not give rise to any new material considerations that would warrant a change in the previous 2006 decision to grant planning permission. The decision to **GRANT** permission has been taken having regard to the changes in planning policy since 2006 including policies and supplementary planning guidance in, and associated with, The London Plan 2008 and the saved Harrow Unitary Development Plan 2004 set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Policies

Government Guidance:
PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPG15 – Planning and the Historic Environment
PPG24 - Noise

London Plan Consolidated with Alterations since 2004:

3A.1 – Increasing London's supply of Housing
3A.2 – Borough housing targets
3A.3 – Maximising the potential of sites
3A.5 – Housing Choice
3A.9 – Affordable Housing Targets
3A.10 – Negotiation affordable housing in individual private residential and mixed use schemes
3A.11- Affordable Housing Thresholds
4A.1 – Tackling climate change
4A.7 – Renewable energy
4A.14 – Sustainable drainage
4A.16 – Water supplies and resources
4B.1 – Design principles for a compact city

Harrow Unitary Development Plan 2004:

S1 – The form of development and pattern of land use
D4 – The standard of design and layout
D5 – New residential development – amenity space and privacy
D7 – Design in Retail Areas and Town Centres

EP15 - Water conservation
EP21 – Vacant and disused land and buildings
EP25 – Noise
T13 – Parking standards
H7 – Dwelling Mix

Supplementary Planning Guidance:

Sustainable Design & Construction: The London Plan Supplementary Planning Guidance (May 2006)
Accessible Homes Supplementary Planning Document (April 2006)

Other Relevant Guidance

Harrow's Sustainable Community Strategy (March 2009)
Building For Life (November 2008)
Code of Practice for the Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (March 2008)
Code for Sustainable Homes (April 2007)
Secured By Design (June 2004)
Safer Places: The Planning System and Crime Prevention (February 2004)

MAIN CONSIDERATIONS AND POLICIES (London Plan & 2004 HUDP)

- 1) Policy Background & Principle of Development (S1)
- 2) Design and Character of Area (4B.1 & D4, D7)
- 3) Residential Amenity (D4, D5, EP25)
- 5) Parking and Highway Safety (T6, T13)
- 6) Housing Provision & Density (3A.1, 3A.9, 3A.10, 3A.11 & H7)
- 7) Accessible Homes (3A.5 & D4)
- 8) Renewable Energy & Sustainability (4A.1, 4A.7, 4A.16 & EP15, EP21)
- 9) S17 Crime & Disorder Act (D4)
- 10) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type: Smallscale Major Dwelling
Site Area: 277m²
Habitable Rooms: 28
Density: 1010.8 hrph
433.2 dph
Car Parking: Standard: 15 (maximum)
Justified: 0
Provided: 0
Lifetime Homes: 12 units (in part)
Wheelchair Homes: 0
Council Interest: None

b) Site Description

- Four storey building located at junction of Station Road, Bonnersfield Lane and Sheepcote Road
- Building consists of existing restaurant / bar (Freddy's) at ground floor level with un-occupied and unfinished flats at 1st, 2nd and 3rd floor level

- Four storey high Gold's Gym on opposite side of road is grade 2 listed building
- 2-storey terrace properties directly adjacent on Bonnersfield Lane consist of car dealership / hire shop and residential flats
- Further down the road and on the opposite side of Station Road is a parade of shops.

c) Proposal Details

- Retention of 12 unfinished and unoccupied flats at first and second floor level (8x2 bed flats and 2x3 bed flats).
- The formal 3 year permission time period for planning permission ref: P/3017/05 which gave permission for the conversion of the upper floors to 12 flats expired in February 2009. Given there were still outstanding pre-commencement conditions, namely conditions 3 (accessibility), 4 (sound insulation), 7 (sewage disposal) and 8 (waste/refuse storage), at the time the permission period has now lapsed. This application has been made to regularise development works on site.
- The two flats at 3rd floor level already benefit from planning permission and do not therefore form part of this application
- The restaurant at ground floor level was allegedly implemented in accordance with planning permission EAST/1407/02/FUL, although some minor changes in the internal space have occurred and the 1st floor was never converted. In this instance only the 12 flats at 1st and 2nd floor level approved under P/3017/05 form part of this application.
- No parking proposed, car free development.

d) Relevant History

EAST/1407/02	CHANGE OF USE: CLASS A1 TO A3 ON GROUND & 1 ST FLOORS WITH NEW SHOPFRONT, FUME EXTRACTOR DUCT AT REAR & NEW WINDOWS	GRANTED 14-OCT-04
P/2960/05	VARIATION OF CONDITION 5 ON PLANNING PERMISSION EAST/1407/02 TO PERMIT OPENING 08:00 HOURS TO 01:00 HOURS DAILY	GRANTED 24-JAN-06
P/3017/05	EXTENSIONS AND ALTERATIONS TO PROVIDE A 3-STOREY BUILDING, RESTURANT (A3 USE) AT GROUND FLOOR AND 12 FLATS AT FIRST AND SECOND FLOORS (RESIDENT PERMIT RESTRICTED)	GRANTED 09-FEB-06
P/2462/06	INTERNALLY ILLUMINATED SIGNS ON FIRST AND SECOND FLOORS FRONT ELEVATION	REFUSED 09-FEB-06

Reason for Refusal:

1. The proposed advertisement, by reason of its size and siting, would be unduly obtrusive in the street scene and detrimental to the visual amenity of the area, contrary to policies SD1, D4, D26 & EM24 of the Harrow Unitary Development Plan.

P/3572/06	ROOF EXTENSION TO PROVIDE TWO FLATS WITH ROOF TERRACES; EXTERNAL ALTERATIONS (RESIDENT PERMIT RESTRICTED)	GRANTED 19-FEB-07
P/2271/09	VARIATION OF CONDITION 5 ON PLANNING PERMISSION EAST/1407/02 GRANTED ON 14/10/04 TO PERMIT OPENING ON SUNDAY 10:30 HOURS TO 23:00 HOURS, MONDAY – WEDNESDAY 08:00 HOURS TO 00:00 HOURS (12 MID NIGHT), THURSDAY 08:00 HOURS TO 02:00 HOURS AND FRIDAY – SATURDAY 08:00 HOURS TO 03:00 HOURS	PENDING

e) Pre Application Discussion

- N/A

f) Applicant Statement

- Originally the building consisted of 3 uses: a toy model shop at ground floor level; first floor offices of a travel agent; and 3 flats at second floor level with access directly off the main external rear stair.
- The building was purchased by the current owner with the intention of refurbishing the flats and converting the ground floor shop and first floor offices into a restaurant and bar with a large function room above. A planning application was submitted and approved (ref: EAST/1407/02) and partially implemented with the conversion of the shop to a restaurant and bar as the first phase of the development. Due to financial circumstances it was not financially viable to complete the remainder of the development.
- It was then decided to convert the first floor to flats to generate enough income to cover the costs of setting up the restaurant use. An application ref: P/3017/05 was made to convert the first floor to 6 flats and the second floor into six flats. Planning permission was granted and works carried out on the development.
- The development works were commenced in error without having all of the pre-commencement conditions formally approved by the Council.
- The purpose of the application is to regularise this situation with a new planning permission to cover the works approved in the planning consent P/3017/05 and carried out on site, including discharge of the original conditions.
- The site is in a highly sustainable location in terms of public transport accessibility (PTAL 5), proximity to shops and local services and to places of work and employment.
- Insertion of a lift into the building improves accessibility to upper floors.
- Four out of the 12 flats have access to private balconies.

g) Consultations:

- Local Highways Authority: No objection, car free in this location acceptable due to high PTAL

- Crime Prevention Design Advisor: No response
- Housing: No objection, housing toolkit acceptable.
- Environmental Health: No objection, insulation / noise attenuation details acceptable.

Advertisement: Major Development Expiry: 07-OCT-09

Notifications:

Sent: 68 Replies: 1 Expiry: 07-OCT-09

Notification letters sent out to the following addresses as per planning permission ref: P/3017/05:

- 1, 2, 3, 9 Hill Road
- 10 - 28 Bonnersfield Lane
- 29 Northwick Park Road
- 178 - 259A Station Road
- 1-3 Shepcote Road
- Greenhill House

Summary of Responses:

Those For (0)

Those Against (1) Why was planning permission given to erect so many flats and so many floors? These floors impinge on the light of my property. Why is the applicant seeking to retain 12 flats when he has built in excess of this number as the building currently stands.

APPRAISAL

1) Policy Background & Principle of Development

Policy S1 of the Harrow Unitary Development Plan 2004 (HUDP) states:

'The Council seeks to secure a form and pattern of development in the borough that accords with the principles of sustainable development, and achieves the following:

- A) Development that reduces the need to travel and facilitates and encourages travel by more sustainable modes;*
- B) Full and effective use of land and buildings;*
- C) Conservation and enhancement of natural resources;*
- D) Development that minimises waste and reduces pollution; and*
- E) Increased social inclusion.'*

The existing site consists of a restaurant / bar at ground floor level and 14 unfinished flats at first, second and third floor levels. The application has been submitted to regularise the works on site for the 12 flats (6 at first floor level and 6 at second floor level.) This is due to the development works commencing in relation to planning permission ref: P/3017/05 without all the pre-commencement conditions formally approved. The 3 year permission time period expired in February this year.

The two flats at third floor level benefit from planning permission ref: P/3272/06 granted in February 2007.

When considering applications the local planning authority is required by virtue of S38(6) of the 2004 Act to, inter alia, make its decisions in accordance with the development plan policies unless material planning considerations justify setting such policies aside. The fact that the development under consideration previously benefited from a substantially similar, conditional planning permission is considered to be a significant material planning consideration in this case. The following sections of this report consider the application against current policy requirements and where the development may not fully comply with these requirements outlines and considers the applicants argument for the policy requirement to be set aside.

2) Design and Character of Area

The proposal involves the retention of flats previously considered and granted planning permission under planning permission ref: P/3017/05. The design criteria was assessed under HUDP policies SD1, D4, and D7, of which policies D4 and D7 have been saved. The other policy have been replaced by London Plan policy 4B.1. This requires boroughs to ensure that developments:

- Maximize the potential of sites
- Promote high quality inclusive design
- Respect local context
- Address security issues
- Provide or enhance a mixture of uses
- Be sustainable and have regard to climate change issues.

In terms of the retention of the 12 flats the proposal is considered to comply with the generic criteria above. Following sections of this report will discuss the issues of security, accessibility, sustainability and density issues.

In terms of design, it is considered that the proposed redevelopment as a whole would not adversely affect the setting of Gold's Gym (Grade 2 Listed Building) or the character and appearance of the street scene as it represents a conversion of a former office building with a very similar building envelope. The scale bulk, massing and appearance of the building is considered to be in keeping with its surroundings. The proposal to retain the 12 flats is considered acceptable in design terms and key planning policy criteria remains the same as in 2006 when the application was assessed and granted permission.

3) Residential Amenity

The most obvious concern with regard to amenity is that of noise given that the flats are located above an existing restaurant / bar. Policy EP25 of the HUDP provides a list of criteria in which proposals can minimise noise disturbance resulting from a development. These include design, layout and orientation of buildings; planting, landscaping and insulation.

Having considered details submitted in support of the application, it is clear that the level of insulation fitted into the building fabric exceeds that required by the Building Regulations. Further the Harrow Council Environmental Health noise control officer is satisfied that there would be no adverse impact on the amenity of future occupants of the flats.

Refuse storage for the 12 flats would come in the form of the 2 bin system and for the 4-storey block of flats a 1100 ltr bin is proposed for general waste and a 1280 ltr bin is proposed for recycling.

Bins would be stored at ground floor level in the existing storage area (6.8m² floor area) where the restaurant bins are stored. The Harrow Council Code of Practice for the Storage and Collection of Waste requires one 1100ltr bin and one 128ltr bin for every 8 flats in a development. Given that there are 12 flats proposed, it is considered prudent to require additional bin provision in the form of an extra 1100ltr bin for general waste bins to accommodate additional refuse generated by the flats. It is considered that this would still leave sufficient room within the existing bin store for restaurant waste storage. With a safeguarding condition, the above is considered compliant with Harrow Council guidelines for refuse and waste storage.

The proposed development provides little on-site amenity provision which is reflective of its town centre location. Four of the flats at first floor level would have private balconies. The nearest public parks are Harrow Recreation Ground 800m to the west and the Kenton Recreation Ground 730m to the east. On site amenity provision was considered to be acceptable under planning permission reference P/3017/05 and there have been no policy changes since the decision in 2006 which are applicable to a development of this size.

Loss of light to 12 Bonnersfield Lane has been raised as a concern. Although a daylight and sunlight report has not been submitted in support of the application it is considered that loss of light to 12 Bonnersfield Lane would not constitute a new issue with the proposed development given the original relationship of the proposed blocks with the properties fronting Bonnersfield Lane, the orientation of the sun and the precedent of the former residential use on site as previously approved. The application in terms of massing and built form has not changed since the approval of the earlier application. Further the 12 flats are a conversion of an existing building and are therefore not considered to represent any new material harm with regard to neighbouring sunlight and daylight.

Overall the proposed development would not result in an adverse impact on neighbouring amenity. The proposed development is considered to provide good amenity provision for future occupants and would not have a noticeable adverse effect on the amenity of neighbouring residents. The proposed development is therefore considered to comply with policies D4, D5, EP25 of the HUDP 2004 and SPG Designing New Development (March 2003).

4) Parking & Highway Safety

The proposed development would be car free. Given the PTAL of 5 (high accessibility) of this site. A car free development is therefore considered acceptable. The surrounding streets are within a controlled parking zone and future residents will be ineligible for parking permits to park on the surrounding streets.

5) Housing Provision & Density

The proposal represents an additional 12 flats to the boroughs housing stock.

A material consideration of note is the fact that when permission was granted in 2006 to convert the upper floors to 12 flats the affordable housing threshold at the time only required developments of 15 units or more to provide affordable housing.

This threshold change in February 2008 with the consolidation of the London Plan. As a result the current application must be considered against the most up-to-date housing policies.

The applicant has submitted a housing toolkit that demonstrates why affordable housing provision is not achievable on this site. Harrow Council Housing Enabling Officers have reviewed the toolkit and are satisfied that affordable housing provision is not achievable on this site.

The proposed provision of 12 private housing units is therefore considered acceptable in this particular case without an element of affordable housing.

In terms of density the proposal is high however not uncommon for a town centre location. It would also comply with the density matrix in table 3A.2 of The London Plan 2008 given its PTAL and town centre locality.

6) Accessible Homes

A key material consideration in the assessment of accessibility standards for this development is that when planning permission was granted to convert the upper floors to flats in February 2006, Harrow Council had not yet adopted the Accessible Homes SPD (April 2006). The current proposal however, must still be assessed against current policy.

With reference to accessibility PPS1 states:

'Development plans should also contain clear, comprehensive and inclusive access policies – in terms of both location and external physical access. Such policies should consider peoples diverse needs and aim to break down unnecessary barriers and exclusions in a manner that benefits the entire community.'

Policy 3A.5 of the London Plan states:

'Boroughs should take steps to identify the full range of housing needs within their area. DPD policies should seek to ensure that:

- *All new housing is built to Lifetime Homes Standards*
- *Ten per cent of new housing is design to wheelchair accessible or easily adaptable for residents who are wheelchair users ...'*

This requirement is reinforced by Harrow Councils SPD on Accessible Homes (April 2006) which states: *'The Council will therefore require all housing developments ... to meet the minimum requirements of Lifetime Homes standards. In addition, the Council will require 10% of all new housing ... to meet Wheelchair Housing standards.'*

Given that the development represents a conversion of an existing building the new units are expected to conform to the lifetime homes standards where feasible. Where the development does not comply this should be justified as part of the Design and Access Statement.

The applicant has submitted a wheelchair standard homes and lifetime homes checklist for the 12 flats proposed for retention. On inspection of the development against the 16 design criteria of the Lifetime Homes Standards the development would comply with 9 of the 16 points and are compliant in part with other points. Accessibility criteria relating to car parking are not applicable as the development is car –free.

It is considered that the applicant has demonstrated within the Design and Access Statement submitted in support of the application that the proposed development would generally comply with the Harrow Council's Accessible Homes SPD (April 2006), which requires 100% of all new residential developments to be built to meet the Lifetime Homes Standards. The proposal is therefore considered to comply with policy 3A.5 of the London Plan and policy D4 of the HUDP 2004.

7) Renewable Energy & Sustainability

Policy 4A.7 of the London Plan 2008 states:

The Mayor and boroughs should in their DPDs adopt a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation ... unless it can be demonstrated that such provision is not feasible ...'

The 1st and 2nd floors of the application site are conversions of a former office building and therefore the requirement to meet renewable energy technologies is limited to what can be achieved within the original building envelope. In addition to this the policy criteria at the time did not require such measures to be inserted into the design of the building.

The applicant has supplied information showing how the 12 flats are well insulated, and contain thermally efficient windows. New efficient condenser boilers will be included and energy efficient lighting and water saving measures considered.

Although the development would fail to comply with policy 4A.7 of the London Plan 2008 it is considered that given the material considerations of the development such as the changes in policy and the fact the development is a conversion and not a new build, it would be unreasonable to refuse the application on the grounds of lack of on-site renewable energy provision.

8) S17 Crime & Disorder Act

It is considered that the retention of 12 flats would not give rise to concerns with security to the site. The site offers good natural surveillance to the boundaries of the site and the restaurant and residential access points are well lit and separate. Access to the residential element is via an audio entry system with security key.

The flats above the restaurant use are only accessible through this point of access.

9) Consultation Responses:

The points raised through representations have been considered in the relevant sections above. This application is for retention of the existing development and the process followed to regularise the development is therefore appropriate in this case.

CONCLUSION

For all the reasons considered above and having particular regard to the earlier planning permission for residential units on this site, the situation with the previous approval expiring and changes to planning policy and best practice guidance, and weighing up all material considerations, including any comments received in response to publicity and consultation, as set out above, this application is recommended for grant.

CONDITIONS:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

3 Prior to the occupation of the development residential waste shall be accommodated in 2 x 1100ltr bins for general waste and 1 x 1280ltr bin for recycling.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties.

4 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

INFORMATIVES:

1 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

2 INFORMATIVE:

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project.

The Regulations require clients (i.e. those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

(Please note that any reference in this informative to "planning supervisor" has no connection with any Planning Officers within Harrow's Planning Services or with the Town and Country Planning Act 1990.)

3 INFORMATIVE:

The relevant traffic order will impose a restriction making residential occupiers of this building ineligible for resident's parking permits in the surrounding controlled parking zone.

Plan Nos: 0905D-G/M-01, 0905D-3/R-03, 0905D-1/2-02, 090522-G/R-02, 090520-R/R/D-01

Reports: Design and Access Statement
Lifetime Homes Standards Checklist
Wheelchair Standard Home Checklist
Financial Statement
JCW Acoustic Supply Product Details

SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item: 2/01

**HARROW HIGH SCHOOL, GAYTON ROAD, P/2155/09/LM/C
HA1 2JG**

Ward

GREENHILL

TWO SINGLE STOREY TEMPORARY MODULAR BUILDINGS WITH LINKED ACCESS
PLATFORM; SINGLE STOREY EXTENSION TO DINING ROOM

Applicant: HARROW COUNCIL – MR ALLEN GIBBONS

Agent: LOM ARCHITECTURE AND DESIGN – MR SIMON BIRD

Statutory Expiry Date: | 11-NOV-09

RECOMMENDATION

Under Regulation 3 of The Town and Country Planning General Regulations 1992, GRANT permission for the development described in the application and submitted plans, subject to conditions.

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is LB Harrow and the land at Harrow High School, Gayton Road, is owned by LB Harrow.

The decision to **GRANT** permission has been taken having regard to the policies and proposals in the Harrow Unitary Development Plan and other relevant documents set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

London Plan:

4A.1, 4A.3, 4A.4, 4A.7, 4B.1, 4B.5 and 4C.8

Harrow Unitary Development Plan:

D4 - The Standard of Design and Layout

D12 – Locally Listed Buildings

EP12 – Control of Surface Water Run-Off

EP25 – Noise

EP47 – Open Space

T6 – The Transport Impacts of Development Proposals

T13 – Parking Standards

C7 – New Education Facilities

C16 – Access to Buildings and Public Spaces

Supplementary Planning Guidance: Designing New Development (March 2003).

Supplementary Planning Document: Access For All (2006)

MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, the saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance)

- 1) Use, Design and Character and Appearance of the Area (C7, EP47 & D4)
- 2) Residential Amenity (EP25)
- 3) Parking and Highway Safety and Access For All (T6, T13 and C16)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

The application is reported to Committee because the Council is the land owner and the gross floor space created is 367.5m².

a) Summary

Statutory Return Type: Minor Developments, all others

Council Interest: The Council is the freehold owner of the site

b) Site Description

- The site has road frontage with Gayton Road, Sheepcote Road and Kenton Road and is adjacent to residential properties to the north and east and a block of flats to the east.
- Kenton Road and Sheepcote Road are elevated approximately 3.8m above the ground level adjacent the site. A 1.0m high fence is located around the site.
- The school has been extended over the years.
- The school is made up of a number of buildings 2-4 storeys in height, mainly located to the north, east and west of the site. Playing fields and games courts are located to the centre of the site.
- The site has a Locally Listed Buildings described as old school building in the north-west of the site. The local list description reads: 'Built 1890 former Middlesex Boys School, of 2.5 storeys in red brick with stone dressings to main façade, and stone portico.
- Both Sheepcote Road and Kenton Road are London Distributor Roads.
- Part of the site is designated open space

c) Proposal Details

- Two proposed new single storey temporary buildings to provide teaching and office space and bathroom facilities.
- The buildings would be located approximately 3.0m apart and 8.0m from the site boundary with Kenton Road.
- Building One (to the west) would have a length of 15m, a width of 8.6m and a floor area of approximately 131m². A slight change in ground level would mean it would have a dual pitch roof to a height of 4.7m to the west and 4.3m to the east.
- Building Two (to the east) would have a length of 20m² and a width of 8.6m² and a floor area of approximately 175m². It would have a height of 4.3m (same level as Building one).
- Access ramp, steps and associated handrails to proposed two buildings including a canopy providing a covered walkway across north sides of proposed buildings.
- Dining room extension to existing building with a length of 10.0m and a width of 8.7m with a floor area of approximately 90m². It would have a flat roof with a height of approximately 4.5m. It would be approximately 2.3m lower in overall height than the adjoining building.
- It would be located to the north of the site approximately 3.5m from the rear boundary of residential properties.
- It would have five, 2.2m high by 0.6m wide windows on the rear elevation facing the residential properties located 1.1m above ground level. It would have a continuous 0.4m wide glazed area located 0.3m below the flat roof on the rear elevation.

- Proposed stairs to front entrance with extended eave overhang above.
- d) **Revisions to Current/Previous Application:**
- N/A
- e) **Relevant History**
- | | | |
|--------------|--|-------------------|
| P/0628/08DFU | TWO STOREY DETACHED BUILDING AT JUNCTION OF SHEEPCOTE ROAD AND KENTON ROAD | GRANTED 13-MAY-08 |
|--------------|--|-------------------|
- f) **Applicant Statement**
- From September 2010 all schools in Harrow will be reorganised and all Year 7 pupils will be in high schools. This process will transfer an additional 2,000+ pupils from primary sector to community high schools. All schools therefore require additional accommodation which will be provided through a combination of temporary accommodation and remodelling of existing accommodation.
 - Harrow High School will increase in pupil capacity by 180 Year 7 pupils. There are currently 800 pupils on the school roll. Previous, current and future planning applications have/are/will provide for this increase from a building infrastructure viewpoint.
 - It is considered that the proposed building will be of a temporary nature given pending Building Schools for the Future investment/funding.
- g) **Consultations**
- Highways Engineer:** No Objection
- Conservation Officer:** The proposed extension and temporary modular classrooms would preserve the character and setting of the locally listed building and so meet Harrow UDP policy D12 as long as the materials to the extension are conditioned to match the existing.
- Adjoining Local Authority (Brent):** No Objection
- Notifications:**
- | | | |
|----------|----------|-----------|
| Sent: 61 | Replies: | Expiry: |
| | 0 | 20-OCT-09 |
- Flats 1 – 3, 44 Gayton Road
 - 44, 46, 48A, 50 – 56, 58A, 58 – 82 Gayton Road
 - 1 – 12 Thurlby Close, 14 – 31 Thurlby Close
 - Garages Adjacent to 7 Thurlby Close
 - Flat A – C 72 Gayton Road
 - London Borough of Brent
- Summary of Responses:**
- N/A

APPRAISAL

1) Use, Design and Character and Appearance of the Area

Saved Policy C7 of the HUDP states that the Council will seek to ensure that appropriate education facilities are provided. The reorganisation of schools within the Borough would incorporate Year 7 pupils to high school. This would increase the capacity of Harrow High School by approximately 180 additional pupils. As such, additional temporary accommodation and increased dining room facilities are required pending investment/funding from Building Schools for the Future program.

Saved policy EP47 states that the Council will protect the boroughs open spaces regardless of ownership. However, the proposed two temporary buildings and the dining room extension would not remove highly functional and usable grassed playing areas/fields and are necessary to facilitate the temporary accommodation for pupil influx from Year 7. Furthermore, the buildings would be of a temporary nature only and at the point they are no longer required the area could be reinstated to a grassed area.

The proposed two temporary buildings would be located below the level of Kenton Road and as such would not be highly visible from the streetscene.

The proposal contributes towards key themes of Harrow's Sustainable Community Strategy [Mar 09]. The Community Strategy sets out a vision for the Borough to 2020. One of the key themes of the Community Strategy is 'Every Harrow Child'. The Vision states:

'Harrow will be a place where children and young people are healthy and safe and stay healthy and safe, where they are encouraged and helped to enjoy living, learning playing and growing and to achieve while doing so, where they can make a positive contribution to their own futures and to the future of their borough and the community generally, and where they can successfully prepare for and engage in activities to enjoy economic wellbeing.'

This Vision identifies the importance of the development of children and young people in the Borough, to ensure they have access to education opportunities and are healthy and safe as well as promoting social opportunities. The proposal for temporary classroom accommodation supports this Vision, with the proposed refurbishment and upgrade works to the existing school buildings to occur concurrently.

The Council's Conservation Officer has not raised any objections to the proposals.

As such, it is considered that the proposal would be consistent with the operational functioning of the increased capacity of Harrow Hill High School while maintaining the character and appearance of the area and the Locally Listed Building and would comply with saved Policy C7 and D4 of the HUDP.

2) Residential Amenity

The proposed temporary buildings are situated approximately 20m from the nearest residential boundary (the block of flats to the east). As such, it is considered that this distance would adequately mitigate any undue detrimental impacts upon the residential amenities of surrounding properties.

The proposed dining room is located approximately 3.5m from the rear garden boundary of adjoining residential properties. The rear elevation of the proposed dining room extension has five, 2.2m high by 0.6m wide windows on the rear elevation facing the residential properties located 1.1m above ground level. It would also have a continuous 0.4m wide glazed area located 0.3m below the flat roof on the rear elevation. It is considered that, a condition requiring these rear elevation windows to be obscure glazed, in conjunction with the 3.5m distance from the boundary and the single storey nature of the proposal would mitigate any detrimental impacts in respect to loss of privacy and overlooking to the adjoining rear gardens of the residential properties.

The proposed entrance to the dining room extension is located on the opposite side to the adjoining residential boundaries and as such, it is considered that this siting would mitigate any detrimental disturbance that may arise from students congregating around this entrance on surrounding residential properties.

3) Parking and Highway Safety and Access For All

The Council's Highways Engineer has not raised any objections with the proposal. It is considered that the development would be close to good public transport links and the Town Centre and as such the proposal would not have a detrimental impact on the internal and external traffic movements in the site and would be consistent with the objectives of saved policies T6 and T13 of the HUDP.

Being a public building, an integral part of the design and layout of the site centres on the requirements and objectives of easy mobility for all. The applicant has addressed this by providing step free access to the temporary buildings and the existing dining room provides for step free access. As such, it is considered that the proposal makes adequate provision for access in this respect and would be consistent with saved policy C16 of the HUDP and Supplementary Planning Document: Access For All (2006).

4) S17 Crime & Disorder Act

It is considered that the design of the development would not lead to an increase in perceived or actual threat of crime.

5) Consultation Responses

N/A

CONCLUSION

This application, if granted, would result in two temporary teaching buildings and a permanent dining room extension, which are required to adequately provide for the projected increase of pupils in Year 7 in line with the Council's school programme and HUDP policies. For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above this application is recommended for grant, subject to the following condition(s):

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The temporary buildings hereby permitted, being the two, single storey buildings near Kenton Road, shall be removed and the land restored to its former grassed condition within three years of the date of this permission.

REASON: To safeguard the character and appearance of the area and to permit reconsideration in the light of circumstances then prevailing.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s), other than those shown on approved plans shall be installed in the rear and flank walls of the development hereby permitted, being the proposed dining room extension only, without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

4 The windows in the rear wall (north elevation) of the single storey dining room extension shall be of purpose-made obscure glass,

REASON: To safeguard the amenity of neighbouring residents.

INFORMATIVES

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Harrow Unitary Development Plan:

C7, C16, D4, D12, EP12, EP22, EP47, EP25, T6 & T13

Supplementary Planning Guidance: Designing New Development (March 2003).

Supplementary Planning Document: Access For All (2006)

2 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 INFORMATIVE:

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (ie those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

(Please note that any reference in this informative to "planning supervisor" has no connection with any Planning Officers within Harrow's Planning Services or with the Town and Country Planning Act 1990.)

4 INFORMATIVE:

The applicant is reminded of the duties set out in the Disability Discrimination Act 1995 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if or when challenged by a disabled person from October 2004.

The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

5 INFORMATIVE

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: 1000B-00-DH-01, 1000B-21-GE-01 Rev A, 21-GE-02 Rev B, 24-DH-01 Rev A, 24-DH-02, 31-DH-01 Rev A, 32-DH-01 Rev A, 00-M1-01 Rev B, 24-M1-01 Rev B, 31-M1-01 Rev A and Design and Access Statement

- Neighbouring property to the south no.10 has a long single storey rear extension. No.10 has an Estate Agent on the ground floor and a residential unit at the first floor.
- Neighbouring property to the north no.14-20 was the subject of a planning application in 2004 for the redevelopment of the site to include residential units, live/work units and a retail unit in a 5 storey building with car parking and access off Palmerston Road under planning application reference P/1578/04. This development is currently under construction.
- The site is located within the Wealdstone Brook flood plain.

c) Proposal Details

- Change of use from currently vacant retail shop (class A1 use) to restaurant (class A3 use).
- Proposed hours of operation are 0900 hours until 2300 hours daily.
- Proposed single storey rear extension would be to the full width of the site (3.0m) and would extend from the recessed rear main wall of the property by 13.5m and from the ground floor rear main wall of the extension by 6.4m. It would have a height of 3.0m. It would be identical to the single storey rear extension granted planning permission under P/0001/09 in May 2009.
- Proposed extractor would be located on the rear wall of the proposed extension.
- Refuse storage located within proposed single storey rear extension.

d) Revisions to Current Application:

- Inclusion of bin storage

Revisions to Previous Application

- P/0001/09 - Inclusion of proposed change of use; removal of any development relating to no.10.

e) Relevant History

LBH/37817	REAR DORMER	GRANTED 08-MAR-89
EAST/45972/96/FUL	CHANGE OF USE: CLASS A1 TO A3 (RETAIL TO CAFE)	GRANTED 19-FEB-93
P/0001/09	SINGLE STOREY REAR EXTENSION TO PROVIDE ANCILLARY OFFICE, STORE, WC TO GROUND FLOOR SHOP UNIT AT NO.12; NEW METAL WALKWAY ON ROOF OF GROUND FLOOR REAR EXTENSION TO PROVIDE ACCESS TO RESIDENTIAL UNIT ABOVE	GRANTED 27-MAY-09
P/1826/09	SINGLE STOREY REAR EXTENSION TO NO.10; GROUND AND FIRST FLOOR EXTENSION TO NO.12; REPLACEMENT EXTERNAL STAIRCASE AT REAR; ALTERATIONS AT REAR	CURRENT

f) Applicant Statement

- See Design and Access Statement

g) Consultations

- Highways Engineer: No objection
- Drainage Engineers: No objection
- Environment Agency: No objection
- Environmental Health Officer: No comment
- Waste Management Officer: No Comment

Notifications:

Sent: 20

Replies: 0

Expiry: 07-OCT-09

6 – 8, 8A, 9, 9A, 9B, 10, 10A, 11, 11A,
12A, 14, 14A, 15, 15A – E, 16 – 20
High Street

Summary of Responses:

- N/A

APPRAISAL

1) Character and Appearance of the Area

The proposal would involve the construction of a flat roof single storey rear extension for the width of the property which would be the same as the single storey rear extension granted under planning permission P/0001/09. The extension would be finished with a flat roof 3.0m in height which is in keeping with the single storey extension in the area. The rear elevation would also be in line with the approved extension at no.10.

The proposed extension is considered to be in keeping with the area and would enhance an otherwise neglected area at the rear of the site. A number of properties within the immediate area have been extended to the rear in a similar fashion and so this application is supported and would comply with saved policy D4 of the HUDP.

2) Change of Use

Saved Policy EM17 of the HUDP states that in the Secondary shopping frontages of Harrow Metropolitan and District Centres the change of use of retail shops to non retail uses will normally be permitted provided that:-

- a) The use is appropriate to a town centre;
- b) The use is primarily for visiting members of the public;
- c) The use requires an accessible location;
- d) The length of secondary frontage in non retail use at street level in the centre would not exceed 50% of the total;
- e) The premises can be adequately serviced without causing harm to the highway safety or convenience;
- f) A window display or other frontage appropriate to the shopping area is maintained; and
- g) A harmful concentration of non retail uses is not created or added to.

It is considered that, in principle, a restaurant on a busy main road within a Secondary Shopping frontage in a District Centre is an appropriate use and would be used primarily for visiting members of the public. The proposed change of use would not result in a non retail frontage at street level that would not be greater than 50% and the existing shop front window would be retained. Furthermore, a five storey development adjoining the property would have a 450m² ground floor A1 use (equivalent to 3-4 retail units) and as such, it is considered that the proposed change of use would not lead to harmful concentration of non retail uses.

Matters pertaining to access, highway safety and residential amenity are addressed below and are considered to be acceptable. As such, it is considered that the proposed change of use would comply with saved policy EM17 of the HUDP.

3) Residential Amenity

Policy EM25 of the Harrow Unitary Development Plan seeks to ensure that any late night uses do not have a harmful effect on residential amenity. Above the proposed restaurant is a first floor residential unit in addition to other flats within the terrace, most notably other first floor flats and a large five storey block of flats directly adjoining and to the rear of the site.

Other commercial premises are located within the ground floor of the terraced buildings and have hours of operation that vary. This shopping area is busy and has mixed uses. As a result, the residential properties in the vicinity can be expected to encounter more noise and disturbance than houses/flats located in solely residential areas. However, it is considered reasonable that the residential occupiers can expect noise and disturbance to lessen in the evenings and particularly in the late evenings.

The application has proposed hours of opening from 0900 hours until 2300 daily. It is considered that these opening hours are excessive given the location of adjoining residential properties and the potential disturbance these consistent late openings would create. It is considered that a condition proposing more satisfactory operating hours, given the opening hours of surrounding uses, would reduce the likelihood of unacceptable levels of disturbance and associated activity at unsocial hours. It is therefore considered that the proposed change of use would be consistent with the objectives of saved policy EM25 of the HUDP, subject to the recommended condition on opening hours of 0900 hours to 2300 hours Monday to Saturday inclusive and 100 hours to 2200 hours on Sundays and bank Holidays.

The proposed single storey rear extension would adjoin a similar extension at no. 10, used for retail purposes, and the flank wall of a five storey building to the north. A proposed extractor flue would be located on the rear wall of the proposed extension away from the flats above. As such it is considered that the proposed extension and flue would not have a harmful effect on the occupiers of these properties.

4) Traffic, Refuse and Access

The Council's Highways Engineer has not raised an objection to the proposed application. No off street parking provision has been made for the proposal. No existing parking was present for the previous and existing uses within the property. Given the proximity to good public transport, it is considered that any patrons visiting the restaurant would be able to do so by use of public transport or on foot. Furthermore, there are ample car parking spaces in the nearby public car parks in the Harrow/Wealdstone District Centre for any patron that chooses to use private vehicles. The proposed change of use would therefore be consistent with the objectives of saved policies T6 and T13 of the HUDP.

A large service area accessed via Palmerston Road is located to the rear of the site. It is considered that area would provide for adequate servicing of the proposed restaurant.

Refuse storage would be provided within the proposed extension to the rear of the property. It is considered that this refuse arrangement would be adequate and would not have an adverse impact on refuse collection to any greater degree to the previous A1 use.

The unit would be able to provide a level access to the restaurant in accordance with saved policy C17 of the HUDP.

5) Development within the Floodplain

The application site is within the flood plain of the Wealdstone Brook and is in an area of land which is liable to flooding. The proposed development may be at risk of flooding, and may increase the risk of flooding elsewhere. The applicant has submitted the required Flood Risk Assessment. The Flood Risk Assessment has been referred to the Council's Drainage Services who have no objection to the development subject to the submitted flood proofing measures being incorporated into the development.

6) S17 Crime & Disorder Act

It is considered that the design of the development would not lead to an increase in perceived or actual threat of crime.

7) Consultation Responses

N/A

CONCLUSION

This application, if granted, would result in a change of use and a single storey rear extension which would comply with the relevant saved policies of the HUDP. For all the reasons considered above, and weighing up of the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant, subject to the following condition(s):

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

REASON: To safeguard the appearance of the locality.

3 The use hereby permitted shall not be open to customers outside the following times:-

a: 0900 hours to 2300 hours, Monday to Saturday inclusive and

b: 1000 hours to 2200 hours Sunday and Bank Holidays

without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

4 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

5 Any deliveries and collections (including those by refuse collectors), which may be undertaken by reason of granting this permission, shall not be conducted outside the hours of 2300 and 0700 Monday to Sunday inclusive and Bank Holidays. The details of which should be incorporated in a waste management plan to be submitted to and agreed by the Local Planning Authority.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents.

6 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: To safeguard the amenity of neighbouring residents and appearance of the area.

INFORMATIVES

1 **INFORMATIVE:**

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Harrow Unitary Development Plan:

C7, C16, D4, EP12, EP22, EP25, T6 & T13

Supplementary Planning Guidance: Designing New Development (March 2003).

Supplementary Planning Document: Access For All (2006)

2 **INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 INFORMATIVE:

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (ie those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

(Please note that any reference in this informative to "planning supervisor" has no connection with any Planning Officers within Harrow's Planning Services or with the Town and Country Planning Act 1990.)

4 INFORMATIVE:

The applicant is reminded of the duties set out in the Disability Discrimination Act 1995 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if or when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

Plan Nos: 1857-01, 1857-02 Rev C, Site Plan, Design and Access Statement and Flood Risk Assessment

Item: 2/03
STANBURN FIRST & MIDDLE SCHOOL, ABERCORN ROAD, STANMORE, HA7 2PJ

Ward BELMONT

FIRST FLOOR REAR EXTENSION, WITH DEMOLITION OF LINKED TWO STOREY ANNEXE TO REAR ELEVATION; ALTERATIONS TO FENESTRATION AT REAR

Applicant: Harrow Council
Agent: Wintersgill LLP
Statutory Expiry Date: | 30-OCT-09

RECOMMENDATION

Under Regulation 3 of the Town and Country Planning General Regulations 1992, **GRANT** permission for the development described in the application and submitted plans, subject to conditions:

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is LB Harrow and the land at Stanburn First and Middle School, Abercorn Road, Stanmore, HA7 2PJ.

REASON

The decision to recommend grant of planning permission has been taken having regard to national planning policy, the policies of The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation. The proposal is considered to comply with the relevant education policies and would meet the Vision of the Council in maintaining high standards of schools, as detailed in Harrow's Sustainable Community Strategy [Mar 09]. The proposal would also result in the enhancement of an area of designated open space which is considered important for informal recreation, without unduly impacting on the amenities of local residents, highway safety or the character and appearance of the area.

Legal Comments

Regulation 3 of the Town and Country Planning General Regulations 1992 [Statutory Instrument 1992/1492] provides [in relevant part] that applications for planning permission by an interested planning authority to develop any land of that authority shall be determined by the authority concerned, unless the application is called in by the Secretary of State under Section 77 of the Town and Country Planning Act 1990 for determination by him.

The application is made by LB Harrow who intends to carry out the development and the land at Stanburn First and Middle School, Abercorn Road, Stanmore, HA7 2PJ.

The grant of planning permission for this development falling within Regulation 3 shall ensure only for the benefit of LB Harrow.

National Policy

PPG17 – Planning for Open Space, Sport and Recreation

The London Plan 2008:

3A.24 – Education Facilities

3D.8 – Realising the Value of Open Space and Green Infrastructure

3D.13 – Children and Young People’s Play and Informal Recreation Strategies

London Borough of Harrow Unitary Development Plan 2004

D4 – Standard of Design and Layout

C7- New Education Facilities

C16 – Access to Buildings and Public Spaces

EP11 – Development Within Floodplains

EP25 – Noise

EP47 – Open Space

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

Supplementary Planning Document: Access For All (2006)

MAIN CONSIDERATIONS AND POLICIES (National Policy, The London Plan 2008 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)

- 1) Principle of Development (C7)
- 2) Education Policy (C7, 3A.24)
- 3) Open Space Policy (PPG17, 3D.8, 3D.13, EP47)
- 4) Character and Appearance of the Area (D4)
- 5) Residential Amenity (D4, C7, EP25)
- 6) Traffic and Parking (T6, T13)
- 7) Accessibility (C16, SPD)
- 8) Development Within Floodplains (EP11)
- 9) S17 Crime & Disorder Act (D4)
- 10) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type: 18. Minor Development, all other

Council Interest: The Council is landowner

b) Site Description

- Site comprises Stanburn First and Middle Schools, on the west side of Abercorn Road.
- The site is occupied by a two/three storey main building, comprising four main wings set around a central courtyard, with a two storey annexe to the rear (west) elevation and other temporary buildings occupy the site.
- The main building has been extended to the west, by way of a single storey rear extension.
- The area to the south of the main building is hard surfaced and is in use as a playground and overspill parking area.
- The area to the west of the main building comprises a playground and playing field, which is designated as open space in the UDP.
- The area to the east of the main building comprises the main car park and entrance to the school, from Abercorn Road.

- Residential dwellings in Wemborough Road and Belmont Lane back onto the southern and western site boundaries respectively, approximately 45 metres from the main building.
- Residential properties in Belmont Lane and Abercorn Road abut the north of the site, between 40 and 70 metres from the main building.

c) Proposal Details

- First floor extension over existing single storey extension at rear of property, to provide 4 new classrooms.
- The proposed extension would not project beyond the footprint of the existing single storey extension and would result in an increase in height of 3.0 metres.
- The proposed extension would be of a contrasting light rendered appearance, with coloured ceramic tiled panels between the windows.
- The proposal also involves the demolition of the existing two storey rear annexe, with associated work to make good the building.
- The application also proposes alterations to the fenestration on the existing single storey extension, to provide access doors from these classrooms to the playground area.

d) Relevant History

LBH/3503	Erection of a two-storey four class unit	GRANTED 12-AUG-68
EAST/699/00/LA3	Single storey rear extension to provide 4 class rooms, boilerhouse and ancillary rooms to replace existing horsa huts	GRANTED 08-SEP-00
P/1511/09	Solar panels on roof of southern wing of main teaching block	GRANTED 26-AUG-09

e) Pre-Application Discussion (PAT/ENQ/000102/05/08/09)

- PAT acknowledged the sympathetic design of the extension and felt that the contemporary design and finish would be acceptable and would overcome the construction problems.
- The proposed lift is also welcomed.

f) Applicant Statement

- The two storey 1960's extension (the annexe) has come to the end of its useful life and contains asbestos.
- It is proposed to replace the 4 classrooms, storage and WC's into a first floor extension.
- The proposal will rationalise the buildings massing and will replace the area of school playing field which was lost by the addition of the 1960's extension.
- A lightweight contrasting modern extension is proposed, partly due to construction constraints, but also to reduce the overall bulk and improve the appearance of the building.
- The proposal would improve circulation within the school and would improve accessibility with the addition of a new lift.
- The proposed doors on the ground floor rear elevation would enable children in the 'reception' classes to directly access their dedicated playground area.

g) Consultations:

Notifications:

Sent: 38

Replies: 0

Expiry: 07-OCT-09

Addresses Consulted:

- 80-110A (even) Wemborough Road
- 63-97 (odd) Belmont Lane
- 25, 86 and 87 Abercorn Road

Summary of Response:

- None received.

APPRAISAL

1) Principle of Development

The educational use of this site is established and, under UDP policy C7, there is no in principle objection to the extension of existing educational facilities, subject to consideration of the need for new facilities, the accessibility of the site and safe setting-down and picking-up points within the site.

Detailed consideration of these and other policy requirements and material considerations is undertaken in the sections below. In summary, the extension of existing educational facilities is considered to be acceptable in principle. Indeed, this application proposes the relocation of existing classroom space, and would therefore not result in the expansion of the school.

2) Education Policy

As discussed above, the proposed extension would replace the 4 classrooms that are currently contained within the two storey annexe, constructed in the late 1960's. The applicant states that this building is at the end of its useful life and repair would not be economically viable. Given that the application proposes to consolidate existing classroom space, it is considered that the number of pupils and staff are unlikely to increase as a result of the proposal. It is therefore considered that the proposal would comply with the criteria set out in UDP policy C7.

3) Open Space Policy

It is proposed to remove the two storey annexe to the rear (west) of the main building. This extension was constructed in the late 1960's to provide additional classroom space and projects 17.5 metres to the west of the main building, into the school playground and playing field. This playing field is designated as open space in the UDP and policy EP47 seeks to protect and enhance such areas. The proposal would involve the removal of this two storey annexe and would result in an improvement to the adjacent open space in terms of removal of built development. The remaining area would be given over to a hard surfaced playground area and a condition is imposed requiring the annexe to be demolished prior to occupation of the proposed extension. The proposed extension itself would be sited above the existing single storey extension and would therefore not encroach into the open space. The proposal is therefore considered to comply with UDP policy EP47, as the proposal would enhance the area of open space available for the recreational use of the school pupils.

4) Character and Appearance of the Area

The proposed extension would be constructed out of contrasting materials to the predominantly brick facades of the main building and the single storey extension that it would sit on. The single storey extension is not structurally strong enough to support an additional masonry storey, hence a more lightweight design is proposed. The proposal would have a light render appearance and would incorporate coloured ceramic tiled panels between the windows. The extension would not project beyond the existing single storey footprint and would result in an increase in height of 3.0 metres. It is considered that the proposed extension would, despite having a contrasting appearance, not be detrimental to the character and appearance of the existing building and would add visual interest. The lightweight appearance would also help to reduce the apparent bulk of the extension which, although it would not be overly visible from Abercorn Road, would be visible from neighbouring properties, in views from a section of Belmont Lane and from the school playing field. The proposed extension is therefore considered to have an acceptable appearance, subject to a condition requiring samples of materials to be submitted and approved, prior to commencement of works.

The removal of the two storey annexe structure would result in an improvement in terms of appearance and it is proposed to make good the part of the existing building that was attached, by way of matching brickwork and an aluminium framed window, which would match the windows of the school, and this part of the proposal is therefore considered to have an acceptable appearance. The proposed alterations to the existing single storey extension to provide playground access doors are also considered to have an acceptable impact on the appearance of the building. A condition is suggested requiring the materials to be used for these alterations to match the existing.

5) Residential Amenity

The proposed extension would be sited some 55 metres from the rear (west) boundary and would be screened from the properties to the south by part of the existing building. Given these circumstances, it is considered that the proposed extension would not give rise to overlooking or loss of outlook to the occupiers of neighbouring residential properties. The replacement of the ground floor windows with doors for access to the playground is also considered to be acceptable, given the distance from residential properties.

The removal of the two storey annexe, which is currently the closest part of the school building to the western boundary with the Belmont Lane properties, would improve the outlook from these properties and this part of the proposal would therefore be welcomed.

6) Traffic and Parking

As discussed above, the proposal is unlikely to result in an increase in the number of pupils studying at the school and an increase in staff members would also be unlikely to occur. The proposal would not result in the loss of parking space and it is therefore considered that no undue traffic and parking impacts would occur.

7) Accessibility

The first floor of the building is already accessible by a lift in another part of the building and the rooms in the proposed extension would have level access from an existing first floor corridor. Notwithstanding this, a new lift is proposed within part of the extension, as well as disabled toilet facilities. The proposals are therefore considered to improve the accessibility of the school and would comply with UDP policy C16 and the SPD.

8) Development Within Floodplains

EA objection. Awaiting FRA.

9) S17 Crime & Disorder Act

It is considered that this application would not have any detrimental impact upon community safety and is therefore acceptable in this regard.

10) Consultation Responses

Apart from the points raised in the above sections, other issues raised are:

- No comments were received in response to consultation.

CONCLUSION

In summary, for all the reasons considered above, the proposal is considered to comply with the relevant policies listed. The proposal is considered to comply with the relevant education policies and would meet the Vision of the Council in terms of the provision of educational facilities. The proposal would also result in the enhancement of an area of designated open space which is considered important for informal recreation, without unduly impacting on the amenities of local residents, highway safety or the character and appearance of the area. In conclusion, weighing up the development plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above this application is recommended for grant, subject to the following conditions:

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The materials to be used in the construction of the alterations to the ground floor and to the making good works at first floor hereby permitted shall match those used in the existing building.

REASON: To safeguard the appearance of the locality and the building.

3 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces of the approved extension 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 and shall thereafter be retained.

REASON: To safeguard the appearance of the locality.

4 The demolition of the two storey annexe and the associated making good of the land and buildings shall be completed prior to occupation of the extension hereby permitted.

REASON: To ensure that the two storey annexe is removed, in the interests of the appearance of the area and to ensure that classroom space on the site does not increase.

INFORMATIVES

1 INFORMATIVE:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from:
Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB
Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

2 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 INFORMATIVE:

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: P01; P02; P03; P04; P05; P06; P07; P08; P09; P10; P11; P12; P13; Design and Access Statement

26 CULVER GROVE, STANMORE, HA7 2NN **Item: 2/04**
P/1942/09/NR/E

Ward **QUEENSBURY**
CONVERSION OF DWELLINGHOUSE TO TWO 1 BEDROOM FLATS WITH ONE
PARKING SPACE

Applicant: Mr Anil Shah
Agent: Mr Amit Patel
Statutory Expiry Date: | 28-OCT-09

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans, subject to conditions.

REASON

The decision to recommend grant of planning permission has been taken having regard to the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below) and national planning policy encouraging more efficient use of land for housing, as well as to all relevant material considerations including any comments received in response to publicity and consultation.

National Planning Policy:

PPS1 – Delivering Sustainable Development
PPS3 – Housing

The London Plan 2008:

2A.1 – Sustainability Criteria
3A.3 – Maximising the Potential of Sites
3A.5 – Housing Choice
4A.22 – Spatial Policies for Waste Management
4B.1 – Design Principles for a Compact City
London Housing Design Guide – Draft for Consultation

London Borough of Harrow Unitary Development Plan 2004

D4 – The Standard of Design and Layout
D5 – New Residential Development – Amenity Space and Privacy
D9 – Streetside Greenness and Forecourt Greenery
EP25 – Noise
T13 – Parking Standards
C16 – Access to Buildings and Public Spaces
Supplementary Planning Guidance: Extensions: A Householder's Guide (2008)
Supplementary Planning Document: Accessible Homes (2006)

MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)

- 1)** Principle of Development (PPS1, PPS3, 2A.1, 3A.3)
- 2)** Character and Appearance of the Area (4B.1, D4, D9, SPG:Extns)
- 3)** Residential Amenity (D5, EP25, SPG:Extns)

- 4) Traffic and Parking (T13)
- 5) Accessible Homes (C16, 3A.5, SPD:Access)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

INFORMATION

This application is reported to the Committee at the request of a Nominated Member.

a) Summary

Statutory Return Type: 13. Minor Dwellings
Council Interest: None

b) Site Description

- Two-storey semi-detached property on the east side of Culver Grove.
- The application property currently has a hip to gable and rear dormer roof extension, a single-storey rear extension and a detached outbuilding in the rear garden.
- The front garden of the property is currently hard surfaced with a vehicular access to the highway.
- The rear garden of the application property has a depth of approximately 12 metres, when measured from the rear wall of the single-storey rear extension to the outbuilding.
- The adjoining property at No.28 is currently unextended.
- The adjacent property at No.24 shares a side access driveway with the application property and has a detached garage at the rear, abutting the boundary with the application site.
- Culver Grove is a suburban residential street comprising predominantly semi-detached properties.

c) Proposal Details

- Conversion to two self-contained one bedroom flats.
- The ground floor flat would have a gross internal floor area of 56m², whilst the upper floor flat would have a gross internal floor area of 73.5m².
- One parking space is proposed in the front garden with part of the frontage given over to soft landscaping.
- Access the flats would be via the existing front door, with separate entrance doors provided internally.
- Refuse storage would be provided in the rear garden.
- The two flats would have private garden areas, with the occupiers of the ground floor flat having the use of the detached outbuilding.

Revisions to Previous Application (ref P/3757/08):

- Internal arrangement of rooms altered, access and bathroom sizes changed to comply with Lifetime Homes Standards.
- Soft landscaping proposed in the front garden and refuse storage moved to the rear of the property.

d) Relevant History

P/1640/05/DCP	Certificate of lawful proposed development: Loft conversion incorporating hip to gable and rear dormer roof extensions	GRANTED 13-SEP-05
P/2446/05/DFU	Single storey rear extension	GRANTED 17-NOV-05
P/3757/08	Conversion to two flats	REFUSED 05-MAY-09

Reasons for Refusal:

1. The proposed conversion by reason of its inadequate internal layout and stacking of rooms would result in unacceptable disturbance between the flats, which would be detrimental to the amenities of the intended occupiers, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004).
2. The proposed front garden layout, by reason of inadequate soft landscaping, excessive hardsurfacing and the storage of refuse bins, would be detrimental to the character and appearance of the property and the area, contrary to policies D4 and D9 of the Harrow Unitary Development Plan (2004).
3. The proposed development, by reason of its lack of provision for people with disabilities and non-compliance with Lifetime Homes Standards would provide substandard accommodation to the detriment of the amenities of future occupiers of the site, contrary to policy 3A.5 of the London Plan, policy C16 of the Harrow Unitary Development Plan (2004) and the 'Accessible Homes' Supplementary Planning Document (2006).

e) Pre-Application Discussion

- None.

f) Applicant Statement

- Design and Access Statement.

g) Consultations:

Notifications:

Sent: 11

Replies: 0

Expiry: 28-SEP-09

Addresses Consulted:

- 20-32 (even) Culver Grove
- 25-31 (odd) Culver Grove
- 2 Charmian Avenue

Summary of Response:

- None received.

APPRAISAL

1) Principle of Development

Paragraph 27(viii) of PPS1 promotes the more efficient use of land through the use of suitably located previously developed land and this is re-iterated in London Plan policies 2A.1 and 3A.3. Annex B of PPS3 states that 'previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the developed land'. As the site comprises a residential dwellinghouse, it is considered to be previously developed land for the purposes of PPS3 and therefore housing development is acceptable in principle. There is no in principle policy objection to the conversion of an existing dwellinghouse to flats. Further to the previous refusal, the internal arrangements have been amended to overcome stacking and comply with Lifetime Homes Standards. The refuse bins are now proposed to be sited at the rear of the property and soft landscaping is proposed in the front garden, along with one parking space. These matters are discussed in detail below.

2) Character and Appearance of the Area

The proposed conversion would preserve the appearance of this property, as the entrance doors to the two flats would be provided internally and the property would therefore retain its appearance as a single family dwelling.

A street scene improvement would be required as part of a conversion proposal. It is proposed to give over approximately half the front garden of the property for soft landscaping, with an area of hard surfacing retained for parking. It is considered that this would be adequate to provide a street scene improvement and the proposal is therefore considered to comply with UDP policy D9.

Given the two flats proposed, there are likely to be a minimum of 5 refuse bins (based on 1 brown bin per 2 flats). The refuse bins are proposed to be sited within the rear garden areas. The bins would therefore not be overly visible from the street and would not result in a cluttered appearance. A condition is imposed requiring the bins to be stored in this location and subject to this condition, the refuse storage arrangement is considered to be acceptable.

3) Residential Amenity

It is considered that the proposed conversion to two small flats would not result in an unacceptable level of additional activity and disturbance to neighbouring residents, as compared to the existing situation, as an extended single-family dwellinghouse. It is considered that the proposed siting of the refuse bins would be acceptable, as they would not be sited adjacent to neighbouring boundaries.

It is proposed to convert the property into two 1 bedroom flats and all the flats would satisfy the minimum space standards as set out in the draft London Housing Design Guide and would be arranged within the building to avoid stacking.

A garden area of 46m² is proposed for the ground floor flat, with 43m² proposed for the upper floor flat, with access via the driveway at the side. The ground floor flat would also have the use of the outbuilding in the rear garden and it is considered that adequate amenity space would be provided for the future occupiers of the development.

4) Traffic and Parking

The proposed situation allows for one off-street disabled parking space, utilising an existing crossover. The Council's Highways Engineer considers the parking provision to be adequate to serve the two flats in this location, given the availability of on street parking and the modest size of the proposed flats, and the proposal is therefore considered to be acceptable in this regard.

5) Accessible Homes

The front garden of the property would be re-graded to provide level access to the front door and all internal door widths in the ground floor flat would be at least 800mm wide. A Lifetime Homes compliant bathroom is proposed and the proposal is therefore considered to comply with UDP policy C16, London Plan policy 3A.5 and the Council's Accessible Homes SPD.

6) S17 Crime & Disorder Act

It is considered that this application would not have any detrimental impact upon community safety and is therefore acceptable in this regard.

7) Consultation Responses

Apart from the points raised in the above sections, other issues raised are:

- No comments have been received in response to consultation.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals and other material considerations, including the comments received in response to publicity and consultation, as set out above this revised proposal is considered to be acceptable and is recommended for grant, subject to the following condition(s):

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the forecourt of the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities. Hard landscaping details shall include samples of the proposed surface for the front parking area.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

3 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 building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 2 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 a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

4 The development hereby permitted shall not be occupied or used until the disabled access forecourt parking space shown on the approved plans have been made available for use. The spaces shall be allocated and retained for use by the occupants of the ground floor flats only and shall be used for no other purpose without the prior written permission of the Local Planning Authority.

REASON: To ensure suitable parking provision for people with disabilities in association with the provision of 'Lifetime Homes Standards' housing.

5 The hard surfacing hereby permitted shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site, in accordance with details to submitted to, and approved in writing by, the Local Planning Authority. The surfacing shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

6 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage areas, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

7 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Home Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Home' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

INFORMATIVES

1 INFORMATIVE:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from:
Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

2 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 INFORMATIVE:

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: Site Plan; 28/CG/May/002; 004; 28/CG/October/001; 003; 005; 006; Design and Access Statement

Item: 2/05

**WOODFIELD HOUSE, 506-508 P/1675/09/NR/E
HONEYPOT LANE, STANMORE, HA7
1LA**

Ward QUEENSBURY

CHANGE OF USE FROM CAR SHOWROOM, WORKSHOP AND OFFICES TO WAREHOUSE AND ANCILLARY RETAIL USE AND OFFICES (SUI GENERIS TO B8/A1), WITH EXTERNAL ALTERATIONS TO THE BUILDING

Applicant: Mr Rajni Patani
Agent: Construct 360 Ltd
Statutory Expiry Date: | 28-SEP-09

RECOMMENDATION

INFORM the applicant that the application is acceptable subject to:

1) The completion of a legal agreement within six months (or such period as the Council may determine) of the date of the Committee decision on this application, requiring:

(i) That the owner covenants and undertakes not to implement or seek to implement any part or parts of the Planning Permission reference P/842/03/CFU.

2) A formal decision to **GRANT** permission for the development described in the application and submitted plans, and subject to planning conditions, will be issued only upon the completion of the aforementioned legal agreement.

REASON

The decision to **GRANT** planning permission has been taken having regard to national planning policy, the policies of The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation. The proposal is considered to comply with the relevant employment policies and would meet the Vision of the Council in terms of the provision of employment opportunities and support of small local businesses. The proposal would result in the efficient use of designated business use land, ensuring that a local employer remains in the borough during a period of expansion and would provide increased local employment, in the interests of local economic development, without unduly impacting on the amenities of local residents, highway safety or the health of local shopping centres.

National Policy

PPG4 – Industrial and Commercial Development and Small Firms
PPS6 – Planning for Town Centres

The London Plan 2008:

2A.9 – The Suburbs: Supporting Sustainable Communities
3B.4 – Industrial Locations
3D.1 – Supporting Town Centres

London Borough of Harrow Unitary Development Plan 2004

D4 – Standard of Design and Layout

EM5 – New Large Scale Retail and Leisure and other Developments

EM14 – Land and Buildings in Business, Industrial and Warehousing Use – Designated Areas

EM22 – Environmental Impact of New Business Development

EP25 – Noise

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

MAIN CONSIDERATIONS AND POLICIES (National Policy, The London Plan 2008 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)

- 1) Principle of Development (PPG4, 2A.9, 3B.4, EM14)
- 2) Employment Policy (EM14)
- 3) Town Centre Policy (PPS6, 3D.1, EM5)
- 4) Character of the Area and Residential Amenity (D4, EM22, EP25)
- 5) Traffic and Parking (T6, T13)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

INFORMATION

This application is reported to the Committee as a change of use of over 400m² of floorspace is proposed and the recommendation is subject to a Legal Agreement.

a) Summary

Statutory Return Type: 15. Minor General Industry, Storage and Distribution
Council Interest: None

b) Site Description

- Site comprises a single/three storey building on the east side of Honeypot Lane.
- The site is currently vacant, the last use being a motor vehicle showroom and workshop (Sui Generis). The first and second floors comprise ancillary offices (B1).
- The site is within the Honeypot Lane and Dalston Gardens Business Use Area where B1, B2 and B8 uses are appropriate.
- The site benefits from a vehicular access from Wigton Gardens, with an additional access from a service road that bounds the east and south boundaries.
- The site has parking and circulation space on the forecourt, formerly used for the display of motor vehicles for sale.
- To the west of the site is Honeypot Lane, a busy London distributor road, with residential dwellings opposite.
- To the north of the site is Wigton Gardens, with residential dwellings fronting onto the opposite side of the road.
- To the south and east of the site are other industrial and business units in Honeypot Lane and Dalston Gardens.

c) Proposal Details

- Change of use from car showroom (Sui Generis) to warehouse with retail unit and ancillary offices (B8/A1)
- The proposed warehouse use would take place in the rear (eastern) portion of the building, which was previously used as a workshop.
- The proposed ancillary retail use would take place within the single-storey front (western) projection, which was previously occupied by the showroom unit.
- Ancillary offices would be located on the ground floor of the three storey section, as well as the first and second floors as previously existed.
- Vehicle accesses would remain as existing, with the forecourt used for parking for 25 cars.
- Alterations to window openings and doors are also proposed around the showroom area and the main entrance at the front of the building.

d) Relevant History

P/842/03/CFU	Two storey extension to provide new showroom facility	GRANT 04-AUG-03
P/3252/08	Certificate of Lawful Existing Development: Commencement of works towards implementation of planning permission ref: P/842/03 involving two storey extension to provide new showroom facility before expiry on 4 August 2008	GRANT 05-JAN-09
P/1670/09	Alterations to and replacement of ground floor, first floor and second floor windows	GRANT 18-SEP-09
P/1676/09	Single storey rear and side extensions including car port, new fencing along front and side boundaries, addition of air conditioning units, external alterations to building	WITHDRAWN 23-SEP-09
P/2364/09	Single storey rear and side extensions including car port, new fencing along front and side boundaries, addition of air conditioning units, external alterations to building (resubmission)	CURRENT

e) Pre-Application Discussion

- None.

f) Applicant Statement and Justification

- The change of use is required to provide a new headquarters, warehouse and retail store for an expanding golf equipment retailer, currently located in Hatch End.
- The proposal is to use the existing workshop area to the rear for the warehouse use, with the showroom area at the front to be used for the display and sale of golfing equipment and services.
- The front entrance will house a new reception and waiting area, with ancillary offices in the middle of the building and on the first and second floors.

- It is believed that the conversion of the vehicle showroom would not impact on designated shopping areas as the services offered within the showroom would not be able to be fitted in an average sized retail store in a designated shopping area.
- The use of the showroom would allow customers to purchase golf clubs which would be custom fitted for their use. In order to achieve this, golf simulator will be installed, which would allow customer/clients to try before they buy. Such systems take up an enormous amount of space and therefore would not be able to be installed in an average size retail store in a shopping area.
- The owners of the building would supply golfing equipment online via mail order, however a growing need for custom fit equipment and the expansion of the business requires a building of this size. The use of the showroom would significantly allow the general public to access such services which unfortunately is scarce within the North West London area.
- The showroom will also display over 7000 different golfing supplies from various golf clubs to golf caddies. With a large amount of products and a golf simulator it would be extremely difficult to accommodate such a large showroom within a designated shopping area.
- The proposed showroom would only equate to around 10% of the site's internal floor area and therefore would not be suitable for supermarkets or any retail stores. Our proposal has been specifically designed for a company that houses its headquarters, warehouse and showroom on this site and would be difficult for any other business to accommodate such a building with a very small showroom compared to the building size.

g) Consultations:

Notifications:

Sent: 39

Replies: 0

Expiry: 26-AUG-09

Addresses Consulted:

- 1-15 (odd) Wigton Gardens
- 2-4 (even) Wigton Gardens
- 2-8 (even) Dalston Gardens
- 677-707 (odd) Honeypt Lane
- 502, 502A and 502B Honeypt Lane
- 572-576 (even) Honeypt Lane
- Stanmore Society
- Canons Park Residents Association

Summary of Response:

None received.

APPRAISAL

1) Principle of Development

PPG4 encourages a positive approach in dealing with applications for industrial development in the interests of economic development, with particular regard to helping small firms. London Plan policies 2A.9 and 3B.4 encourage the efficient use of land for business within industrial locations.

The property is within an established designated employment area where B1, B2 and B8 uses area appropriate and is currently vacant. The last use of the property was as a car showroom, workshop and offices. The proposed use as a warehouse with ancillary offices (B8), albeit with a small amount of ancillary retail (A1) use, would provide an appropriate use, in accordance with UDP policy EM14.

The principle of the proposed retail use is considered acceptable in relation to PPS6, given the ancillary nature of this use and the circumstances of the site, as discussed below.

The principle of the proposed uses on this site is therefore considered acceptable. The proposal would result in the efficient use of business use land, ensuring that a local employer remains in the borough during a period of expansion and would provide increased local employment, in the interests of local economic development, part of Harrow's Sustainable Community Strategy.

2) **Employment Policy**

As discussed above, the proposal would result in the use of the property being brought back into employment use, albeit with a small amount of retail to serve the particular individual needs of the current applicant. This would accord with the requirements of UDP policy EM14. The proposed small retail showroom at the front of the property is considered to be acceptable in relation to this business use area, given the ancillary nature of this aspect of the proposal as discussed below.

3) **Town Centre Policy**

The application proposes a retail element. However, the application site is not located within a designated shopping centre. PPS6 sets out the government's objectives for promoting the vitality and viability of town centres. There is a general presumption that all new large scale retail developments should be located within town centres and this is echoed in London Plan policy 3D.1 and UDP policy EM5.

However, paragraph 3.30 of PPS6 states that 'shops may be proposed as an ancillary element to other forms of development (for example [industrial/employment areas])'. It goes on to state that 'local planning authorities should ensure that in such cases the retail element is limited in scale and genuinely ancillary to the main development, and should seek to control this through the use of conditions. Whether a shop is ancillary will be a matter of judgement for the decision maker and will depend on factors such as the scale of development involved, the range of goods sold, and the proportion of turnover from goods sold which are not directly related to the main use'. The table below outlines the relevant resulting floorspace of the uses proposed:

Use	Gross Internal Floor Area	Percentage of Total Floorspace
Warehouse	785m2	43.6%
Ground Floor Office	275m2	15.3%
First Floor Office	275m2	15.3%
Second Floor Office	275m2	15.3%
Retail	190m2	10.5%
Total	1800m2	100%

As the figures in the above table demonstrate, the proposed retail use would occupy 10.5% of the total floor area of the property. The applicant has also stated that the expected proportion of turnover from goods sold in the retail area, as compared to the predominant mail order sales operating from the warehouse area, would be likely to be in the order of between 6.5% and 9%, notwithstanding that the retail showroom would be used to sell similar products as would be stored in the warehouse for mail order delivery.

It is therefore considered that the proposed retail use, at 190m², would be modest in scale and, at just over 10% of the total floor area, would be genuinely ancillary to the predominant uses, the warehouse (B8) and office (B1) uses, which are appropriate in this location. It is therefore considered that the proposed retail use would not adversely affect the vitality and viability of existing town centres. A condition is imposed in line with paragraph 3.31 of PPS6, restricting the retail use, in order to ensure that it remains ancillary in view of its location within a designated business use area and in view of the potential impact on local shopping centres.

Given the scale of the property, the relatively small area of retail use proposed and the lack of large HGV loading bays, it is considered that the property would not be suitable for larger retailers in future years, if the current applicant decided to vacate the property. The Local Planning Authority would retain control, not only over the extent of retail use, but also over any future extension of the property and any external alterations that may result in the nature and intensity of the use being changed.

The property benefits from an extant planning permission for a two storey extension to provide new showroom facility (ref P/842/03/CFU), granted when the property was in use as a car showroom. This permission is still capable of being lawfully implemented by virtue of a Certificate of Lawfulness granted in January 2009 (ref P/3252/08), confirming that works started within the statutory period. Given that the proposed use would involve a retail element, it is considered that the implementation of this large extension would potentially result in an over-abundance of retail provision on this site, in conflict with the employment designation of the site and the requirements of PPS6, policy EM5 and London Plan policy 3D.1, which require new retail facilities to be located in town centres as discussed. The applicant is prepared to formally agree not to implement this permission, by way of a S106 Legal Agreement and this forms part of the recommendation.

Subject to this agreement and the condition restricting the retail use to the 'showroom' area, it is considered that the long term viability of nearby designated shopping centres would not be unduly compromised and the proposal is therefore considered to comply with the provisions of PPS6, London Plan policy 3D.1 and UDP policy EM5.

4) Character of the Area and Residential Amenity

Alterations are proposed to some of the windows and doors on the ground floor of the building, with one of the sliding doors on the showroom area being replaced with a wall. Alterations to the windows and doors at the main entrance to the building are also proposed. It is considered that these minor alterations to the exterior of the building would not adversely affect the character and appearance of this business area. A refuse storage area is proposed to the north of the building. Given the character of the area and scale of the building, this is considered to have an acceptable appearance.

UDP policy EM22 is concerned with the environmental impact of new business development and sets out a number of criteria to have regard to when considering applications for warehousing development.

Criterion A is concerned with the potential impact on the amenity of adjoining properties and the character of the area. The nearest residential properties are located to the north, on the opposite side of Wigton Gardens. Given the location of the property, within an established industrial area, it is considered that the proposed warehouse use would not result in an unacceptable level of disturbance to the occupiers of neighbouring properties. As discussed above, it is also considered that the proposed use would be in character with this business area. Given the scale of the proposed warehouse, the nature of the deliveries to the property is likely to be similar to that of the previous use as a car showroom and no additional or larger loading bays are proposed. It is therefore considered that the level of activity is unlikely to materially increase as a result of the proposed use and the proposal is therefore considered to comply with Criterion A.

Criterion B is concerned with the processes to be carried out and the emission of noise, smoke or other pollutants. Given that a warehouse use is proposed, it is considered that the proposal would not result in noisy processes being carried out, nor would there be any concern regarding emissions from the property. The proposal is therefore considered to comply with Criterion B.

Criterion C is concerned with the ability of surrounding roads to accommodate generated traffic and the accessibility of the site. Honeypot Lane is a London distributor road and is a dual carriageway in the vicinity of the site. The surrounding area is an established industrial and warehouse use area, with Wigton Gardens and Dalston Gardens carrying access traffic to these business units. It is considered unlikely that the proposal would give rise to an excessive amount of HGV traffic, given the nature and size of the loading bays on the site and the scale of the proposed warehouse. Indeed there are likely to be fewer HGVs than the previous car showroom, as this use would have received deliveries of new vehicles by HGV. Given the established business use of the site and the nature of the use, it is considered that the surrounding roads would be adequate to serve the proposed use. Given the location of the site on a London distributor road, with reasonable access to trunk roads, it is considered that the site would be adequately accessible to serve the proposed use and the proposal is therefore considered to satisfy Criterion C.

Criterion D is concerned with the loss of land from a use which other policies seek to protect. There are no policies protecting car showroom uses and it is therefore considered that the loss of this use would not be objectionable. As discussed, the proposal would bring the property back into business use, within this designated business use area. There would therefore be no conflict with Criterion D.

Criterion E is concerned with the expected energy use and reliance on fossil fuels. Given the scale and nature of the warehouse use proposed, it is considered that the proposal would not give rise to significant concerns in this respect.

In summary, it is considered that the proposal would not be detrimental to the amenities of the occupiers of neighbouring residential properties and would not give rise to adverse environmental impacts. The proposal satisfies all the criteria of UDP policy EM22 and is therefore considered acceptable in this regard.

5) Traffic and Parking

The proposal would provide 25 off street parking spaces, and this is considered to be adequate to serve both the employees of the proposed warehouse use and ancillary offices, and the likely number of visitors to the retail use. Adequate circulation space would also be maintained to enable deliveries to the loading bays on the north flank wall of the property and the rear and side access roads would be adequate to serve the use.

As discussed above, given the scale of the proposed warehouse and the nature of the loading bays, it is not envisaged that the proposal would result in excessive HGV activity. The applicant's Design and Access Statement states that the majority of deliveries would be from vans and this would also be how goods are to be distributed to customers from the property.

It is therefore considered that the proposal would not give rise to an adverse impact on highway safety and the proposal would therefore comply with UDP policies T6 and T13.

6) S17 Crime & Disorder Act

It is considered that this application would not have any detrimental impact upon community safety. The applicant's Design and Access Statement indicates that security bollards would be installed around the glazed showroom area at the front of the property to reduce the risk of a break in. The rest of the site is considered to be adequately secure and it is therefore considered that the proposal would not increase the risk or fear of crime.

7) Consultation Responses

Apart from the points raised in the above sections, other issues raised are:

- N/A.

CONCLUSION

In summary, for all the reasons considered above, the proposal is considered to comply with the relevant policies listed. The proposal would result in the efficient use of designated business use land, ensuring that a local employer remains in the borough during a period of expansion and would provide increased local employment, in the interests of local economic development, without unduly impacting on the amenities of local residents, highway safety or the health of local shopping centres. In conclusion, weighing up the development plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above this application is recommended for grant, subject to the following conditions and a legal agreement, as follows:

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The materials to be used in the construction of the external surfaces of the alterations hereby permitted shall match those used in the existing building.

REASON: To safeguard the appearance of the locality and the building.

3 The retail (A1) use hereby permitted, shall not take place outside the area applied for in this application that being the area labelled 'Retail Area' on the approved plan COU_02A.

REASON: To ensure that the retail use remains secondary to the use of the property as a warehouse, in the interests of the long term viability of the business use area.

4 Storage shall not take place anywhere within the application site except within the buildings.

REASON: To safeguard the amenity of neighbouring residents.

INFORMATIVES

1 INFORMATIVE:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Item 2/05 : P/1675/09/NR/E continued/...

Tel: 0870 1226 236 Fax: 0870 1226 237
Textphone: 0870 1207 405
E-mail: communities@twoten.com

2 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

Plan Nos: COU_01; COU_02A; COU_03; OSMAP; Design and Access Statement
(Version 3)

Item: 2/06

47 DU CROS DRIVE, STANMORE, P/2221/09/FOD/E
MIDDLESEX, HA7 4TL

Ward CANONS

SINGLE AND TWO STOREY SIDE EXTENSION AND SINGLE STOREY FRONT
(PORCH) EXTENSION TO THE DWELLINGHOUSE

Applicant: Mr Dominick Martin

Agent: Mr Martyn Simister

Statutory Expiry Date: | 18-NOV-09

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans, subject to conditions.

REASON: - The decision to GRANT planning permission has been taken having regard to the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the proposed extensions would provide an appropriate form of development and preserve the character of the area without impinging on the amenity of neighbouring properties.

London Borough of Harrow Unitary Development Plan 2004

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

Supplementary Planning Guidance: Extensions – A Householder’s guide (2008)

MAIN CONSIDERATIONS AND POLICIES (London Borough of Harrow Unitary Development Plan 2004 and any other relevant policy considerations)

- 1) Character and Appearance of the Area (D4, SPG)
- 2) Residential Amenity (D5, SPG)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

This application is reported to Committee as the applicant is related to a person who works for the Harrow Council.

a) Summary

Statutory Return Type: Householder Development

Council Interest: None

b) Site Description

- Two-storey semi-detached dwellinghouse on the northern side of Du Cros Drive.
- The dwelling features red brick and a front bay to eaves level. The roof is tiled and hipped. No extensions have been added to the property.
- The pair of semi-detached properties, No.’s 47 and 49 are sited 1.2 metres forward of the neighbouring property to the west, No.45.

- The western boundary of the site is slightly off parallel to the western flank wall of the dwellinghouse resulting in the gap to the boundary from the flank wall increasing from 2.2 to 3 metres adjacent to the main front and rear walls respectively.
- The rear garden of the application site is enclosed by close-boarded fencing and mature vegetation and extends approximately 22 metres beyond the rear wall of the dwelling.
- The adjoining dwellinghouse features a front porch extension.
- The neighbouring dwellinghouse to the west, No.45, features a single storey front to side extension. The single story element aligns with the main front wall of No.47. A single storey rear extension has also been added to the property.

c) Proposal Details

- It is proposed to erect a front porch extension. This element would have a mono-pitched roof with a maximum height of 3.3 metres. It would be 2.7 metres wide and would project 1 metre forward of the main front wall of the dwelling and align with the front bay.
- It is also proposed to erect a single and two-storey side extension.
- The two-storey extension would be set back 1 metre from the main front wall and due to the overhanging eaves of the existing dwelling, the roof would be set back by 2 metres from the front roofslope.
- The roof of the two-storey extension would replicate the form of the existing dwelling and would be set down 400mm from the main ridge.
- The roof of the single storey element would be mono-pitched and have a maximum height of 3.3 metres.
- The proposed side extension would be 2.5 metres wide, 7.1 metres deep and would line up with the rear wall of the house.

d) Relevant History

- None

e) Pre-Application Discussion

- None

f) Applicant Statement

- None

g) Consultations:

Notifications:

Sent: 6

Replies: 1

Expiry: 22-OCT-09

Neighbours Consulted:

Craigwell Close: No.'s 20, 21

Du Cros Drive: No.'s 45, 49, 50, 52

Summary of Response:

- Neighbour objecting to encroachment upon their land

APPRAISAL

1) Character and Appearance of the Area

The proposed front porch would not link in with, nor project forward of the existing bay on the front elevation, in accordance with paragraph A.3 of the Council's SPG on extensions. The overall scale of this element is considered modest and the design would respect the character of the original dwellinghouse, in accordance with saved policy D4 of the HUDP (2004).

The proposed single and two-storey side extension would reflect the scale, design and character of the original dwellinghouse. The use of a 1 metre set back from main front wall would comply with paragraph B.10 of the Council's SPG on extensions and, in keeping the ridge height of the proposed extension below that of the main ridge, would provide a subservient and subordinate extension of the dwellinghouse, in accordance with saved policy D4 of the HUDP (2004) and the Council's SPG on householder extensions. Any future potential terracing effect would be further offset by the siting of the main front wall of No.45 a further 200mm back from the front wall of proposed two-storey side extension.

2) Residential Amenity

The proposed front porch and single storey side extension, sited adjacent to the side extension to No.45, would not have an impact on the amenity of this property.

The two-storey side extension would comply with the horizontal 45° code, as set out within paragraph 3.14 of the SPG, in relation to the neighbouring property to the west, No.45. The eastern flank wall of No.45 does not feature any protected windows and the proposed two-storey side extension would therefore not result in any undue loss of light to this property. Given the presence of a single storey side extension to No.45 and the absence of flank windows from the proposed side extensions, it is considered that there would be no overbearing or overlooking impact to this property. The proposed extensions would be buffered in relation to the adjoining property, No.49, by the existing dwellinghouse. Adequate separation distances are provided to the rear boundary of the site to preclude any potential overlooking of these properties. The proposed extensions therefore accord with saved policy D5 of the HUDP (2004) and the Council's SPG on householder extensions.

3) S17 Crime & Disorder Act

It is considered that the proposed development would not have any adverse crime or safety concerns.

4) Consultation Responses

The applicant has revised the application so that the development proposal would be entirely within the land of the applicant. No encroachment therefore occurs.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, the application is considered to provide an appropriate form of development, respecting the character and scale of the original dwellinghouse without infringing upon the amenity of neighbouring occupiers. The application is therefore recommended for grant:

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

REASON: To safeguard the appearance of the locality.

INFORMATIVES

1 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

2 INFORMATIVE:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
2. building on the boundary with a neighbouring property;
3. excavating near a neighbouring building,

and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote **Product code: 02 BR 00862** when ordering

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

Plan Nos: DUC-47/1, DUC-47/2 B

67 THE BROADWAY, STANMORE, P/2099/09/FOD/E
MIDDLESEX, HA7 4DA

Ward STANMORE PARK

USE OF FORECOURT AREA FOR SITING OF TABLES AND CHAIRS WITH PLANTERS
AND SURROUNDING BARRIERS IN CONNECTION WITH RESTAURANT USE

Applicant: Prezzo PLC

Agent: Naomi Design

Statutory Expiry Date: 28-NOV-09

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans, subject to conditions.

REASON: - The decision to GRANT planning permission has been taken having regard to the saved policies and proposals of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, to provide an appropriate form of development, without impinging upon the setting of the Grade II Listed Building or neighbouring residential amenity, in accordance with saved policies D4, D7, EM25 and EP25 of the Harrow Unitary Development Plan (2004).

National Planning Policy

Planning Policy Guidance 15 – Planning and the Historic Environment

London Borough of Harrow Unitary Development Plan 2004

D4 – The Standard of Design and Layout

D7 – Design in Retail Areas and Town Centres

D11 – Statutorily Listed Buildings

EP25 – Noise

EM25 – Food, Drink and Late Night Uses

C16 – Access to Buildings and Public Spaces

Supplementary Planning Document – Access for All (2006)

MAIN CONSIDERATIONS AND POLICIES (National Planning policy, the saved policies of the London Borough of Harrow Unitary Development Plan 2004 and any other relevant policy)

- 1) Character and Appearance of the Area and the Effect of Development on the Setting of a Listed Building (D4, D7, D11, EM25, PPG15)
- 2) Amenity (EP25, EM25)
- 3) Accessibility and Pedestrian Circulation (C16, D4, SPD)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

This application is referred to the Planning Committee at the request of a Nominated Member.

a) Summary

Statutory Return Type: Minor Development, All Other

Council Interest: None

b) Site Description

- The application site is occupied by a two and three storey detached property on the southern side of The Broadway, Stanmore and is located within the Stanmore District Centre.
- The site is located on the corner of busy junction where Marsh Lane (a Borough Distributor Road) meets The Broadway and London Road (London Distributor Roads).
- The ground floor of the property is currently used as a restaurant (Class A3) and upper floors of the property contain 5 flats.
- The footway adjacent to the front of the property varies between 4.6 and 5.5 metres in width and is separated from the highway by steel railings to a height of 1 metre.
- The neighbouring property to the west, No.59-65, is a Grade II Listed Building and has an extant permission for a change of use from offices to a children's day nursery in association with which works are currently being undertaken on the site.
- Parking for the residential premises is to the east of the building.
- Chartridge Court, which is a flatted development, lies to the south of the site.

c) Proposal Details

- It is proposed to extend the existing A3 use of the premises to the area to provide an outdoor seating area to the front of the restaurant.
- It is proposed to enclose the seating area, which would contain 6 tables (4 seats each) with planters and surrounding barriers which would be 900mm in height.
- The area proposed for outdoor seating use would project between 2.15 and 3 metres from the front wall of the property and would occupy an area of approximately 30m².

d) Relevant History

EAST/94/95/FUL	FIRST AND SECOND FLOOR EXTENSIONS AND ALTERATIONS TO PROVIDE 5 FLATS ON UPPER FLOORS WITH PARKING	GRANTED 30-AUG-96
EAST/115/95/FUL	ALTERATIONS AND CHANGE OF USE FROM CAR SHOWROOM TO RESTAURANT (SUI GENERIS TO CLASS A3)	GRANTED 30-AUG-96

e) Pre-Application Discussion

- None

f) Applicant Statement

- Proposal has taken account of Harrow UDP policies
- Development would contribute to the character of the area
- Planters would give an attractive appearance to the building

g) Consultations:

Traffic and Highways Engineer – As this is on the fringe of the town centre it is apparent that an adequate width of footpath would remain to cater for transient foot traffic in-line with IHT guidelines hence there is no objection to the proposal.

Stanmore Society – No reply received to date

Environmental Health – It is assumed that the tables and chairs are to be in place until the close of trade at night. This has the potential of causing noise late at night through the gathering of people directly outside the residential properties, the continuous movement of tables and chairs throughout the evening and night, and noise generated by bringing tables and chairs in at night. The application lacks any assessment or controls to be put in place to prevent any undue noise issues that could arise from this proposal to residents.

I would therefore require details of what steps are being proposed to prevent any noise issues to residents prior to any planning approval. This can include potential time restrictions on use, the use of rubber feet on the table, signage etc. This is particularly true considering that we have previously had an issue with the movement of an "A Frame" sign to the front of this premise causing noise to residents when being brought in at night.

Setting of Listed Building Advert: 15-Oct-2009 Expiry: 05-NOV-09

Site Notice Posted: 14-Oct-2009 Expiry: 04-NOV-09

Notifications:

Sent: 62 Replies: 2 Expiry: 27-OCT-09

Neighbouring properties consulted:

The Broadway: No.'s 57-65, 52 – 78 (even), 76A, 80-82, Broadway House 80-82, Lidl 80-82, 67A, 69A, 69B, 69C, 69D, 69E

Chartridge Court, 4 Marsh Lane: Flats 1-12

Dene Court Gardens: No.'s 1-12

Marsh Lane: No.2

Norfolk House, 203 London Road: Flats 1-15

Summary of Response(s):

- Noise disturbance as a result of the proposal

APPRAISAL

1) Character and Appearance of the Area and the Effect of Development on the Setting of a Listed Building

The use of the premises as a restaurant has already been established and is appropriate within the District Centre. It is considered that the proposed addition of planters and barriers and the creation of an outdoor seating area is, in principle, appropriate to the use of the premises as a restaurant and the District Centre, and would add visual interest to the property, whilst maintaining a scale complementary to the main building, in accordance with saved policies D4 and D7 of the HUDP (2004).

The proposed development would be modest in scale and would only impact on the setting of the Grade II Listed building when viewing the property from the eastern side. It is considered that this impact would not be detrimental to the setting of the Listed Building, the proposals being partly permeable, the hard railings being no greater than 900mm in height and the development imposing only on the eastern side elevation of the Listed Building, in accordance with saved policy D11 of the HUDP (2004) and PPG15.

2) Amenity

The nearest residential properties to the application site are the flats in the upper floors of the building. Although a certain level of disruption is usually associated with café/restaurant uses and this disruption could be accentuated by an outdoor seating area, the applicant has agreed to restrict by condition the outdoor use of the premises to no later than 7 p.m. on every day of the week. It is considered therefore that any additional noise generated by the proposal would not occur at unsocial times and therefore would not have an undue effect on the amenity of the neighbouring occupiers, in accordance with saved policies EP25 and EM25 of the HUDP (2004). This would overcome the concerns raised by the Environmental Health Division.

3) Accessibility and Pedestrian Circulation

Policy C16 of the Harrow UDP states that the Council will seek to ensure that buildings are accessible to all. The outdoor areas would not incorporate any additional steps or gradients and would be accessible to wheelchair users. The outdoor seating areas would be clearly delineated by the use of barriers and planters and the proposed seating area would not impede access to the main entrance of the restaurant. The proposal is therefore considered acceptable in terms of accessibility and providing access for all users, in accordance with saved policies D4 and C16 of the HUDP (2004) and the Council's SPD – Access for All (2006).

The proposed outdoor areas would retain a minimum footway width of 2 metres which is considered sufficient to allow ease of circulation for all users. A lamppost sited adjacent to the proposed outdoor seating area would reduce the width of the footway to some extent. However, this lamppost would be sited adjacent to the widest part of the footway, which would be 2.4 metres in width and would not result in any difficulty of negotiation for pedestrians. The property is also set back from the front building line of the neighbouring property to the west, No.59-65 and the footway would remain wider than adjacent to the front of that building. The proposed development would not therefore impede pedestrian circulation or result in pedestrians walking in the vehicle carriageway, thereby providing an acceptable layout, in accordance with saved policy D4 of the HUDP (2004). The applicant has indicated that tables and chairs would be stored inside the building after closing time and planters aligned with the front of the building to allow for street cleansing.

4) S17 Crime & Disorder Act

It is considered that the proposed development does not have any adverse crime or safety concerns.

5) Consultation Responses

Issues of noise disturbance discussed above.

CONCLUSION

The proposal site is located within a sustainable location within Stanmore District Centre and it is considered that the proposed development would contribute to the vitality of the District Centre, without having a detrimental effect upon neighbouring residential amenity or the Setting of the Listed building to the west of the site.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above this application is recommended for grant, subject to the following condition(s):

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2 The outdoor seating area hereby permitted shall not be open to customers outside the following times: 1000 to 1900 hours on every day, without the prior written consent of the Local Planning Authority.

REASON: To safeguard the amenity of the neighbouring residents, in accordance with saved policies D4, EP25 and EM25 of the Harrow Unitary Development Plan.

Plan Nos: 149/01 Rev A, 149/02 Rev A, 149/03, 149/04, Site Plan, Design and Access Statement

Item: 2/08

BUCKINGHAM BOULANGERIE, 9 P/1408/09/ML1/E
BUCKINGHAM PARADE, STANMORE,
HA7 4EB

Ward STANMORE PARK

USE OF FORECOURT AREA BENEATH CANOPY FOR SITING OF TABLES AND CHAIRS WITH SURROUNDING MOVEABLE BARRIERS AND 3 EXTERNAL ELECTRIC HEATERS SUSPENDED FROM ROOF OF CANOPY

Applicant: MR ROBERT SIMON
Agent: MR JOSHUA SIMONS
Statutory Expiry Date: | 14-SEP-09

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans, subject to conditions.

REASON

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the proposal would be appropriate in this District Centre and would be acceptable in relation to its impacts upon the amenities of neighbouring occupiers, and the character of the area.

Harrow Unitary Development Plan (2004):

D4 Standard of Design and Layout

EP25 Noise

EM25 Food, Drink and Late Night Uses

C16 Access to Buildings and Public Spaces

Supplementary Planning Document 'Access for All' (2006)

MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008 and saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance)

- 1) Character and Appearance of the Area (D4, EM25)
- 2) Neighbouring Amenity (EP25, EM25)
- 3) Pedestrian Movement and Accessibility (C16, D4, 'Access for All' SPD)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type: Minor retail

Council Interest: None

b) Site Description

- The subject site is located on the north east side of Buckingham Parade, adjacent to a service road which is parallel with Stanmore Hill.

- Occupied by a ground floor A1 use, Buckingham Boulangerie, with an A3 use on a mezzanine floor, Buckingham Brasserie, and two floors of offices above.
- There is no seating within the A1 shop unit at ground floor level.
- The site is located within the Stanmore District Centre and is designated as a Secondary Shopping Frontage.
- Adjoining buildings are similarly comprised, with the ground floors a mix of A1 and A3 uses.
- There is an approximately 6m wide area of footway in front of the application property, which fronts onto a service road containing parking which then has a second narrower strip of pavement separating the service road from the main carriageway of Stanmore Hill.
- There is a litter bin and tree located towards the edge of the pavement in front of the application site.
- There is an approximately 2.55m deep canopy at first floor level in front of all units along Buckingham Parade.
- There are four lights attached to the underside of the canopy in front of the shop.
- There is a change in levels across the front of the site, the land levels falling towards the south east, down Stanmore Hill towards The Broadway.

c) Proposal Details

- Use of the forecourt area beneath the canopy for the siting of tables and chairs, four tables each with 3 chairs (12 covers) being shown on the submitted plan.
- The seating area proposed measures 5.7m in width by 2.55m in depth, a total area of 14.5m².
- Moveable barriers are proposed to surround the seating area beneath the canopy.
- The installation of 3 external electric heaters suspended from the underside of the canopy above the forecourt is also proposed.
- The hours of use proposed for the forecourt seating are 07:00 to 21:00, seven days a week.

d) Relevant History

P/2279/03/CFU	CHANGE OF USE: RETAIL TO FOOD AND DRINK (CLASS A1 TO A3)	WITHDRAWN 09-DEC-03
P/982/04/CFU	INTERNAL ALTERATIONS TO PROVIDE MEZZANINE FLOOR FOR CLASS A3 (FOOD AND DRINK) USE	GRANTED 17-JUN-04
P/2261/04/CVA	VARIATION OF CONDITION 5 OF PLANNING PERMISSION P/982/04/CFU TO ALLOW EXTENDED OPENING HOURS TO 22:30 ON SUNDAYS	GRANTED 06-OCT-04
P/1402/06/DVA	VARIATION OF CONDITION 5 OF P/982/04/CFU TO ALLOW OPENING BETWEEN 07.00 & 00.30 HRS THE FOLLOWING DAY ON MON TO SAT, & BETWEEN 08.00 & 23.30 HRS ON SUNDAYS	GRANTED 13-JUL-06

e) Pre-Application Discussion

- None.

f) Applicant Statement

- Design and Access Statement submitted.
- Applicant's response to objections:

The height of the tables and chairs proposed to be used would mean that they would not block views of the unit's window display.

- There would be 3.5m clearance between the defined boundary of the site and the kerbside, therefore the proposal would not block the pavement for any users.
- The manufacturer's specifications for the electric heaters specify their environmentally friendly features including that they omit 4 times less carbon dioxide compared to gas heaters, they are filtered to prevent the emission of odours, pollutants and fumes and they are silent in operation.
- The applicant proposes to comply with the voluntary DEFRA code of practice (Reducing litter caused by food on the go – December 2004) and staff will regularly clean and inspect the external seating area and the vicinity to ensure litter is disposed of and to use suitable storage for refuse.

g) Consultations:

- *Environmental Health* – No objections.
- *Stanmore Society* – No response.

Notifications:

Sent: 6

Replies: 6
+ a 95 signature
petition of objection
+ a 312 signature
petition of support

Expiry: 25-SEP-09

Site Notice

Expiry: 28-OCT-09

Addresses consulted: 6, 7, 8, 10, 11 & 12 Buckingham Parade.

Summary of Responses:

Objection

Will block narrow pavement on a steep hill and cause an obstruction to elderly and disabled people walking to the library and nearby restaurants; Crowds of people smoking and creating litter would be unhealthy and dangerous; The electric heaters would give off fumes which would be unhealthy and dangerous to the environment in this peaceful street; Crowds of people milling around in close proximity to residential properties will adversely effect locals in terms of noise and disturbance and can intimidate elderly people.

Support

Seating would be appreciated by customers; Would create a nice atmosphere in the area, welcome addition to the local area; Would be in keeping with the area; Would improve the area; Would be nice to sit outside; There is sufficient room on the pavement.

Use

Proposal will result in the use becoming predominantly A3, giving the appearance of an A3 unit; Application should be considered as a change of use, A3 use cannot be restricted to the pavement; Would result in more than 50% of frontage being in non-retail use and a harmful concentration of non-retail uses, will remove the visibility of the unit's window display; Fails to comply with UDP policy EM17; Further A3 uses will harm the vitality and viability of Stanmore's role as a District Shopping Centre.

APPRAISAL

1) Character and Appearance of the Area

The proposed use of the forecourt area beneath the existing canopy at this property for the siting of tables and chairs is considered to be in keeping with the character and appearance of this District Centre. The proposed surrounding moveable barriers would, along with the existing canopy, help to define the area in front of this unit for the proposed use in association with the A1 use of the ground floor. It is considered that the proposal would potentially add to the vitality and viability of the shopping centre by encouraging users of the centre to spend more time within the District Centre, and the fact that this seating area would be viewable to passers by could encourage others to do the same. The 3 external electric heaters suspended from the underside of the existing canopy in front of the unit would have no detrimental impact upon the character and appearance of the area and are considered to be acceptable in this regard.

The submitted plan shows seating for 12 people. The congregation of this relatively small number of people in this District Centre is unlikely to have a detrimental impact upon the character and appearance of the area. The measures outlined by the Applicant in terms of ensuring that any litter generated by this seating area is disposed of appropriately is considered adequate and would ensure that the proposal would not have a detrimental impact upon the character and appearance of the area in this regard.

2) Neighbouring Amenity

The proposed seating area is considered to be of no undue detriment to residential amenity as there are no residential properties above this or adjacent units. In addition, the existing solid canopy would mean that any noise created would be relatively contained and would not impact upon any immediately adjacent commercial units. The site is located on a service road fronting Stanmore Hill which is classified as a London Distributor Road in the Council's UDP.

Given the current levels of activity and ambient noise levels it is considered that the impacts of any activity associated with the proposed seating area would be acceptable in this location, and that there would be no undue impact upon the amenities of neighbouring occupiers as a result of a relatively small number of people congregating in this location.

The three heaters proposed would facilitate the use of the seating area in the early evening and during colder weather and are considered of no detriment to neighbouring amenity, the Council's Environmental Health department having no objections to the proposal. The proposed hours of use of the seating area are between 7am and 9pm which are considered acceptable given the location of the unit within a District Centre with no residential premises in close proximity.

3) Pedestrian Movement and Accessibility

There is no objection to the proposed seating area by the Council's Highways Engineer as there would remain an approximately 3.35m wide strip of pavement in front of the unit after the installation of the proposed seating area which would be wide enough to accommodate pedestrian traffic, along with the secondary pavement between the service road and Stanmore Hill itself.

In terms of accessibility, the unit does not have level access at present and it would be unfeasible to provide this given the change in levels across the front of the unit and the fact that no changes are proposed to the unit's shopfront. However the proposed seating area complies with the requirements of the Council's 'Access for All' SPD, providing a consistently arranged and clearly marked out seating area which would still allow for unrestricted access to the unit's main entrance door. The proposed tables, chairs and barriers would be removed and stored within the unit in the evening to allow for thorough street cleansing.

4) S17 Crime & Disorder Act

The proposal is considered not to have any detrimental impacts with respect to this legislation.

5) Consultation Responses:

Apart from the points considered in the above sections, other issues raised are:

Use

Proposal will result in the use becoming predominantly A3, giving the appearance of an A3 unit; Application should be considered as a change of use, A3 use cannot be restricted to the pavement; Would result in more than 50% of frontage being in non-retail use and a harmful concentration of non-retail uses, will remove the visibility of the unit's window display; Fails to comply with UDP policy EM17; Further A3 uses will harm the vitality and viability of Stanmore's role as a District Shopping Centre.

- The above response from Apcar Smith Planning on behalf of their client was received in response to an initial notification which incorrectly indicated that the proposal included a change of use of the forecourt to an A3 use.

Following consultation with the Applicant at the initial stage of registration of the application it was confirmed that the proposed seating area would be used in conjunction with the A1 use of the ground floor of the premises which serves light snacks and refreshments. The Council has considered the proposal in relation to the existing A1 use and does not believe by virtue of its limited scale that this application would constitute a change of use of the ground floor unit. As such the proposal has not been assessed under Policy EM17 of the UDP and is considered of no detriment to the vitality and viability of Stanmore District Centre.

CONCLUSION

This proposal site is located in a sustainable location and it is considered that the proposed development would contribute towards the vitality of the District Centre and would not have an adverse impact upon local residential amenity.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above this application is recommended for grant.

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The seating area hereby permitted shall incorporate a maximum of 12 covers.

REASON: To ensure an acceptable scale of use given the use of the site.

3 The seating area hereby permitted shall not be open to customers outside the following times:-

07:00 hours to 21:00 hours, Monday to Sunday inclusive, without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of the area.

INFORMATIVES

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

EP25 Noise

EM25 Food, Drink and Late Night Uses

C16 Access to Buildings and Public Spaces

Supplementary Planning Document 'Access for All' (2006)

2 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

Plan Nos: Details of 'Tansun Sorrento' electric heaters; 'Brandline barrier system - dimensional data'; 0625.5 Rev.B; Site Plan; Design & Access Statement (PS-DAS-BHAM) 2nd Edition

Item: 2/09

**UNIT 3, BALLARDS MEWS, HIGH P/4099/08/ML1/E
STREET, EDGWARE, HA8 7BZ**

Ward CANONS

TWO EXTERNAL FLUES ON SOUTHERN ROOFSLOPE OF SPRAY SHOP BUILDING
(REVISED)

Applicant: Peter Rudge

Agent: David Barnard

Statutory Expiry Date: | 23-MAR-09

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans, subject to the conditions.

REASON

The decision to **GRANT** planning permission has been taken having regard to the policies and proposals in the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the proposed development would be appropriate within an employment area, and would be acceptable in relation to its impacts upon the amenities of neighbouring occupiers, and the character of the area.

London Plan:

4A.19 Improving Air Quality

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

EP25 Noise

EM13 Land and Buildings in Business Use – Designated Areas

EM22 Environmental Impact of New Business Development

MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008 and saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance)

- 1) Character and Appearance of the Area (4A.19, D4, EM13, EM22)
- 2) Residential Amenity (4A.19, EM22, EP25)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

Consideration of this application was deferred from the Planning Committee on 4th November 2009 at the request of the Divisional Director of Planning. This application is reported to the Committee at the request of a Nominated Member.

a) Summary

Statutory Return Type: Minor General Industry

Council Interest: None

b) Site Description

- Single storey industrial unit in use as a sprayshop on the northern side of Ballards Mews, with a ridged roof.
- There are numerous other industrial and car repair businesses in Ballards Mews.
- Designated Business Use Area.

c) Proposal Details

- The provision of two external flues on the southern side of the roofslope of the unit, the flue lower down the roof slope with a height of 3.75m, (approximately 1.8m above the main ridge of the roof) and the flue higher up the roof with a height of 1m (approximately 0.4m below the main ridge of the roof).

Revisions since the previously refused application P/2190/07/DCO:

- The proposed siting of the flues on the southern roofslope, instead of on the northern roofslope where they are currently installed.

d) Relevant History

P/447/06/DFU	Replacement sprayshop with increased roof height and external alterations.	GRANTED 02-MAY-06
P/2190/07/DCO	Retention of two external extract flues on the roof of sprayshop building.	REFUSED 04-SEP-07

Reason for Refusal:

The two extract flues, by reason of their design, appearance, the emission of noise and fumes, and close proximity to residential properties, detract from the character of the locality, and result in undue harm to the amenities of the occupiers of Edgware Court, contrary to policies SD1, D4, EM22, EP24 and EP25 of the Harrow Unitary Development Plan (2004).

P/3591/07/DFU	Relocation of existing two extract flues on the roof of sprayshop building.	WITHDRAWN 17-APR-08
ENF/0095/07/P/3947	Enforcement Notice requiring removal of flues on northern roofslope.	12-DEC-08 APPEAL DISMISSED 07-SEP-09

e) Pre-Application Discussion

- None.

f) Applicant Statement

- Design & Access Statement submitted.

g) Consultations:

Environmental Health: If the flues are moved to the location described in the second noise document this should help reduce the noise. Also the sole use of water based paints should reduce any potential problems with odour. Conditions need to be applied.

Notifications:

Sent: 28

Replies: 1

Expiry: 16-FEB-09

Addresses consulted:

1-27, Edgware Court, High Street, Edgware

1-16 Ballards Mews, High Street, Edgware

Summary of Responses:

- Appears to be identical to previous application P/3591/07 and therefore previous objections stand;
- Fumes detrimental to the health of residents of Edgware Court, particularly those with respiratory problems;
- Excessive Noise.

APPRAISAL

1) Character and Appearance of the Area

This application seeks the installation of two external flues on the southern roofslope of the industrial unit, currently operating as a spray shop. At present two flues are sited on the northern roofslope facing the flats at Edgware Court which have directly overlooking balconies. The prominent location of the two existing flues on this side of the building results in them appearing extremely obtrusive from the flats and grounds of Edgware Court, their siting on this residential northern side of the building being detrimental to the character and appearance of the adjacent area. An appeal against an enforcement notice was recently dismissed and the existing flues must therefore be removed from the site by 17th December 2009.

The proposed position of the flues on the southern roofslope of the building would significantly reduce the visibility of these flues when viewed from the adjacent properties at Edgware Court. Whilst not completely removing these flues from view it is considered that given the industrial nature of Ballards Mews and the lawful use of the property the proposed relocated flues would be of no undue detriment to the character and appearance of the area.

2) Residential Amenity

The proposed flues would be located more than 15m from the closest residential properties at Edgware Court in a more acceptable location than the existing flues, which are subject to the Enforcement Notice. In terms of fumes it is noted that the Applicant states that only water based paints are used at the premises and that this reduces the potential for issues with odour produced by the use of the flues. In addition to a condition in relation to this issue, conditions are suggested to further mitigate the discharge of fumes in order to provide an acceptable impact.

The Applicant has submitted a noise report which, subject to the suggested conditions, is considered by the Council's Environmental Health Officers to ensure that the flues would have an acceptable impact upon the amenities of neighbouring occupiers with regards to noise produced during their use.

With regards to visual amenity the provision of the flues on the southern roofslope would screen the flues from the adjacent occupiers at Edgware Court to a large extent. Although the higher of the two flues would still be visible above the roofline of the building this is considered acceptable given the minimum separation distance from the flats of 15 metres. The proposal is therefore considered to have an acceptable impact upon the visual amenities of neighbouring occupiers.

3) S17 Crime & Disorder Act

The proposal is considered not to have any detrimental impacts with respect to this legislation.

4) Consultation Responses:

All issues raised are addressed in the Appraisal.

CONCLUSION

It is considered that the proposed development would be appropriate in principle in a designated employment area, and by virtue of its size, siting and subject to compliance with the suggested conditions would provide acceptable impacts on the character of the area and neighbouring residential amenity. For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above this application is recommended for grant.

CONDITIONS

1 The development hereby permitted shall be completed within 3 years from the date of this permission and shall be retained thereafter.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 Any plant and machinery, including that for fume extraction, ventilation, refrigeration and air conditioning, which may be used by reason of granting this permission, shall be so installed, used and thereafter maintained so as to prevent the transmission of noise, vibration, and odour / fumes into any neighbouring residential premises.

REASON: To ensure that the proposed development does not give rise to noise and odour / fume nuisance to neighbouring residents.

3 The rating level of noise (as defined by BS4142:1997) emitted from the mechanical plant/flue shall not exceed +5dB above the prevailing background noise level at anytime, and must not emit tones or vibrations, which may give rise to nuisance. The measurement position and assessment shall be made according to BS4142:1997.

REASON: To protect nearby noise sensitive premises from significant loss of amenity due to noise.

4 Any redundant flues/ducting or extraction equipment shall be removed from the premises prior to the installation of the approved development.

REASON: To reduce visual clutter, and safeguard the amenities of the locality.

5 Water based paints only shall be used in connection with the spray shop building on the site.

REASON: To ensure that the proposed development does not give rise to odour or fume nuisance to neighbouring residents and in the interests of the character of the area.

INFORMATIVES

1 INFORMATIVE:

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

London Plan (2008):

4A.19 Improving air quality

Harrow Unitary Development Plan (2004):

D4 Standard of Design and Layout

EM13 Land and Buildings in Business Use - Designated Areas

EM22 Environmental Impact of New Business Development

EP25 Noise

Plan Nos: 3030/7C, 'Rear Elevation and Section BB', Site Plan @ 1:500, Site Plan at 1:1250; Design & Access Statement; Environmental Noise Assessment

Item: 2/10
74 ALICIA AVENUE, HARROW, HA3 8HS **P/2147/09/FOD/E**
Ward KENTON WEST
TWO STOREY FRONT AND FIRST FLOOR SIDE EXTENSIONS, EXTERNAL ALTERATIONS, CONVERSION TO TWO DWELLINGHOUSES (REVISED)

Applicant: Mr Alan Webb
Agent: Mr John Beyer
Statutory Expiry Date: | 10-DEC-09

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans, subject to conditions.

REASON: - The decision to GRANT planning permission has been taken having regard to the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the proposed development would achieve a high standard of design in a way that makes efficient and effective use of land without prejudice to flood risk on or near the site whilst contributing to the provision of additional 'homes' targets, as detailed in The London Plan 2008, and would be acceptable in relation to its impacts upon the amenities of the neighbouring residents and the character of the area.

National Planning Policy

Planning Policy Statement 1 – Delivering Sustainable Development
Planning Policy Statement 3 – Housing
Planning Policy Statement 25 – Development and Flood Risk

The London Plan 2008

3A.1 – Increasing London's Supply of Housing
3A.2 – Borough Housing Targets
3A.3 – Efficient use of stock
3A.4 – Housing Choice
3A.5 – Large Residential Developments
4B.1 Design Principles for a Compact City

London Borough of Harrow Unitary Development Plan 2004

EP11 - Development within Floodplains
EP12 – Control of Surface Water Run-Off
D4 – The Standard of Design and Layout
D5 – New Residential Development – Amenity Space and Privacy
D9 – Streetside Greenness and Forecourt Greenery
T13 – Parking Standards
C16 - Access to Buildings and Public Spaces

Supplementary Planning Guidance: Extension's – A Householder's Guide (2008)
Supplementary Planning Document: Accessible Homes (2006)
Draft London Housing Design Guide (2009)

MAIN CONSIDERATIONS AND POLICIES (National Planning Policy, The London Plan 2008 and the saved policies of the London Borough of Harrow Unitary Development Plan 2004)

- 1) Principle of Development (PPS1, PPS3, The London Plan policy 3A.3, 4B.1)
- 2) Character and Appearance of the Area (The London Plan policies 3A.1, 3A.2, 3A.3, 3A.4, 4B.1, UDP policies D4, D9 and SPG: Extension's – A Householder's Guide 2008)
- 3) Residential Amenity (D5 and SPG: Extension's – A Householder's Guide 2008)
- 4) Traffic and Parking (T13)
- 5) Accessible Homes (The London Plan policy 3A.5, UDP policy C16 and SPD: Accessible Homes 2006)
- 6) Development within Floodplains (EP11, EP12, PPS25)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

INFORMATION

The application is referred to the Planning Committee at the request of a Nominated Member

a) Summary

Statutory Return Type: Minor Dwellings
Council Interest: None

b) Site Description

- The application site lies at the far end of Alicia Avenue on the southern side, adjacent to Kenton Recreation Ground. The car park for the recreation ground lies to the west of the application site.
- Alicia Avenue is characterised by terraced dwellings, mostly in groups of fours and sixes. 74 Alicia Avenue is an end-of-terrace terrace within a terrace of 3 dwellings.
- The ridge height of the dwelling is marginally below that of the adjoining dwelling, No.72 and the property features a front porch.
- The property has been extended with the addition of two-storey side extension and a further attached single storey side extension which contains a garage. The ground floor of the two-story extension is also used as a garage.
- A single storey front extension extends across the front of the two-storey side and single storey side extension and has a width of 7.5 metres.
- The front of the property features two parking spaces and is enclosed by a low wall.
- The western boundary of the property is enclosed by close boarded fencing. Cypress trees run along the eastern boundary of the recreation ground, adjacent to the western boundary of the property.
- The rear and eastern boundaries of the property are enclosed by close boarded fencing. The rear garden steps down approximately 800mm from level of the patio and extends approximately 17 metres from the rear wall of the property.
- The adjoining dwellinghouse to the east, No.72, does not feature any extensions.

- The application site is located within the Flood Plain of Wealdstone Brook.

c) Proposal Details

- It is proposed to erect a first floor side extension over the existing single storey side extension. This proposed extension, in association with the existing two-storey and single storey side extensions to the property would form an additional attached dwellinghouse.
- The proposed first floor side extension would have the same depth as the existing dwellinghouse and would be 3.3 metres in width. The roof of the proposed extension would link in with, and replicate the existing dwellinghouse, with a hipped roof.
- It is proposed to remove the existing porch at No.74, remove the existing single storey front extension and erect a two-storey front bay extension to the proposed dwelling which would replicate that of the existing and neighbouring houses.
- The proposed new dwellinghouse would be 7.3 metres in width, compared with the original dwellinghouse which was 6.8 metres wide, prior to being extended.
- It is proposed to sub-divide the rear garden of the existing property to serve No.74 and the new dwellinghouse. Each rear garden would provide approximately 110m² and 155m² of rear garden space respectively.
- The front of the property would also be subdivided, providing one parking space for No.74 and one for the new dwellinghouse. The parking spaces would be 2.5 x 5.1 metres and 3.3 x 5.1 metres respectively. The remainder of the front gardens would be soft landscaped.
- Bin storage for No.74 is proposed in the front garden of the property. Bin storage for the new house is proposed on the western boundary of the property adjacent to the rear main wall of the dwellinghouse.

Revision to previous application (P/1489/09):-

- Flood Risk Assessment (FRA) submitted with current application
- Alteration to bin stores
- Alterations to internal door widths and layout.

d) Relevant History

P/1489/09	Two storey front and first floor side extensions external alterations conversion to two dwellinghouses	WITHDRAWN
P/1595/07/DFU	Two storey front and first floor side extensions external alterations conversion to two dwellinghouses	REFUSED 10-JUL-09

Reasons for Refusal:

1. The proposal does not make adequate and satisfactory provision for off street parking and would result in an overall shortfall of parking provision to the detriment of highway and pedestrian safety and the movement of traffic in the vicinity, and the amenity of neighbouring residents, contrary to Policies D4 and T13 of the Harrow Unitary Development Plan.

2. The proposed amount of hard-surfacing of the front garden of the existing and the proposed dwelling would erode the forecourts due to inadequate scope for soft landscaping and would be unduly obtrusive and detract from the appearance of the buildings and the street-scene, contrary to policies SD1, D4 & D9 of the Harrow Unitary Development Plan.

e) Pre-Application Discussion

- None

f) Applicant Statement

- Design in keeping with the existing dwelling and streetscene
- Parking spaces provided to comply with council standards
- Wheelchair accessible home and Part 'M' compliant

g) Consultations:

Traffic and Parking Engineer: No objection

Drainage: No objection

Environment Agency: Previous objection can be removed

Notifications:

Sent: 8

Replies: 0

Expiry: 06-NOV-09

Neighbours Consulted:

Alicia Avenue: No.'s 67, 69, 70, 71, 72

Hughenden Avenue: No.'s 33, 35, 37

Summary of Response:

None

APPRAISAL

1) Principle of Development

Paragraph 27(viii) of PPS1 promotes the more efficient use of land through the use of suitably located previously developed land and encourages bringing vacant and underused previously developed land back into beneficial use and this is re-iterated in London Plan policy 3A.3. Annex B of PPS3 states that 'previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the developed land'. As the site comprises an existing dwellinghouse, it is considered to be previously developed land for the purposes of PPG3 and therefore housing development is acceptable in principle.

2) Character and Appearance of the Area

The HUDP and the Council's SPG: Extensions – A Householder's Guide (2008) would normally require extensions to the dwelling to be subordinate and subservient to the original dwelling house in order to retain the character and respect the scale of the original dwelling house.

In this case, the applicant has proposed to replicate the style of the existing dwelling and continue the ridgeline of the original dwelling house, in order to create an additional dwelling, which, subject to the use of suitable materials, would be perceived as original in the context of the neighbouring dwellings and the properties along Alicia Avenue. The proposal would also provide elements, such as the bay window, that would replicate the adjoining dwellings. It is therefore considered, that in principle, the provision of a dwelling house by replicating the ridge height and roof form of the original dwelling would represent an acceptable form of development, subject to the development proposal meeting the standards of design, layout and amenity set out in the HUDP (2004) and the Council's SPGs and SPDs.

As discussed above, it is considered that the primary elements of the dwellinghouse, such as the creation of a front bay and hipped roof satisfactorily address the need for the property to harmonise with the neighbouring dwellings in the streetscene. The width of the additional dwellinghouse would be marginally greater than that of the adjoining dwellinghouse and No.'s 72 and 70. However, given the location of the property at the end of the row of terraced properties, the primary viewing points of the dwelling would be from the east (primarily) or west of the site, rather than face on. As such, it is considered that the greater width of the proposed dwellinghouse would not be discernible from these primary view points. Some space along the western boundary of the property has been retained and these separation distances, varying between 1 and 1.8 metres, are considered acceptable.

It is considered that the addition of the first floor extension and the removal of the single storey front extension and front porch to the existing dwellinghouse would improve the appearance of the property in the streetscene, providing a return to the natural rhythm of the terraced streetscene, whilst replicating the form of dwelling established in the area.

The front of the property would be subdivided and the provision of soft landscaping is considered acceptable. The applicant has indicated an enclosed bin store surrounded by a 1.2 metre high close boarded fence in the front garden of the existing dwellinghouse which would mitigate the effect of the provision of enclosed bins at the front of the property, which however is commonplace along the rows of terraced dwellings in this street. A condition however, requiring samples of the materials to be used in the bin store is attached and considered necessary and reasonable to achieve an acceptable form of development.

3) Residential Amenity

Given the separation distances of the proposed extension and new dwellinghouse to any neighbouring residential properties, it is considered that the development would not impinge on the residential amenity of any of the neighbouring properties to the south. It is considered that the separation distance of the first floor windows from the new dwellinghouse to the properties to the rear is acceptable.

In any event, it is considered that the additional of a further first floor window would not be materially different from the existing situation. The proposed new dwellinghouse would not impinge on the amenity of the residents of the existing dwellinghouse on the site as it would not project forward or rearward of this property.

The room sizes and living areas of the proposed dwellinghouse and No.74 would meet the minimum standards set out within the emerging Draft London Housing Design Guide (2009) and are set out in the table below:

	No.74	New dwellinghouse
Gross Internal Area (GIA)	97m ²	103.2m ²
Living / Kitchen / Dining Space	41m ²	41m ²

The development would therefore provide adequate internal space for the occupiers of both properties and in the case of the proposed new dwellinghouse would provide an accessible layout which would be easily capable of adaptation.

It is considered that adequate rear garden amenity space would be provided for the occupiers of the additional dwellinghouse and the existing property on the site.

4) Traffic and Parking

The proposal would result in an additional dwellinghouse with both No.74 and the proposed dwellinghouse having 3 bedrooms. It is considered that the additional dwelling house on the site may result in additional parking pressures on the area. However, no parking restrictions are in force on the street and the applicant has indicated that fully accessible parking spaces would be provided for each dwelling which is considered consistent with neighbouring properties in the street and sufficient in order to serve the needs of the proposed occupants in accordance with saved policy T13 of the HUDP (2004).

5) Accessibility

The proposed development would create an additional dwelling on the site and should therefore be considered, in accessibility terms, as a new build development. Although level access has been indicated on the submitted plans, it is not shown how this would be achieved. However, given the finished floor level of the proposed dwelling would be just marginally above that of the footway to the front of the site, it is considered that this would be easily achievable on the site and could be secured by condition. The proposed dwellinghouse would provide a parking space of 3.3 by 5.1 metres which would comply with Lifetime Homes standards. External and internal door widths would be sufficient, complying with the provisions of Lifetime Homes as set out within the Council's SPD – Accessible Homes. An entrance level wheelchair accessible WC and a bathroom capable of conversion to a wet room has also been indicated.

6) Development within Floodplains

Following comments received from the Environment Agency and the Council's Drainage Section on the previous application, the applicant has now demonstrated that the modelled flood level is 2.7 metres below the level of the rear garden. The proposed development therefore adequately addresses the requirements of PPS25 and the Council's Drainage Section and the Environment Agency are satisfied that the development would not increase the risk of flooding on the site or elsewhere, thereby complying with saved policies EP11 and EP12 of the HUDP (2004) and PPS25 (2006).

7) S17 Crime & Disorder Act

It is considered that the proposed development does not have any adverse crime or safety concerns.

8) Consultation Responses

None

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above this application is recommended for grant, subject to the following condition(s):

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2 The materials to be used in the construction of the external surfaces of the extension and the new dwellinghouse hereby permitted shall match those used in the existing building.

REASON: To safeguard the appearance of the locality.

3 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

(b) the proposed bin store to No.74

The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Class D, Part 1 of Schedule 2 to that Order or any extension to the western side of the new dwellinghouse, pursuant to Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), shall be carried out without the prior permission in writing of the Local Planning Authority.

REASON: In order to retain accessible parking spaces and external access to the bin store to the rear of the new dwellinghouse, thereby retaining the property as a 'Lifetime Homes' dwellinghouse and to safeguard the character of the area, and neighbouring amenity

5 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the forecourt of the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

6 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 building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 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 a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

7 Before commencement of the development hereby permitted the hard surfacing hereby permitted shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site, in accordance with details to be submitted to and approved beforehand by the Local Planning Authority.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

8 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

9 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

INFORMATIVES

1 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

2 INFORMATIVE:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

3 INFORMATIVE:

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

4 INFORMATIVE:

Note: guidance on permeable paving has now been published by the Environment Agency on

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgarden>

Item 2/10 : P/2147/09/FOD/E continued/...

5 INFORMATIVE:

There may be public sewers crossing / adjacent to the site, so no building will be permitted within 3m of the sewers. The applicant should contact the Area Service Manager, Mogden at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure. Tel: 08459 200 800

Plan Nos: 1679-0 Rev B, 1679-1, 1679-4 Rev A, 1679-5 Rev B, Design and Access Statement, Flood Risk Assessment and Flood Maps

22E JUBILEE CLOSE, PINNER, HA5 3TB **Item: 2/11**
P/2127/09/SB5/W
Ward PINNER
ERECTION OF SINGLE AND TWO STOREY ATTACHED DWELLINGHOUSE
INCLUDING ACCOMMODATION IN LOFT SPACE WITH REAR DORMER AND
PARKING

Applicant: Mr Haresh Yagnik
Agent: Architects Corporation Ltd
Statutory Expiry Date: 09-NOV-09

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans.

REASON

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and the saved policies of the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

London Plan:

- 4B.1 – Design Principles for a Compact City
- 3A.1 - Increasing London's Supply of Housing
- 3A.2 - Borough Housing Targets
- 3A.4 - Efficient Use of Stock
- 3A.5 - Housing choice

Harrow Unitary Development Plan:

- D4 The Standard of Design and Layout
- D5 New Residential Development – Amenity Space and Privacy
- D9 Streetside Greenness and Forecourt Greenery
- D10 Trees and New Development
- T13 Parking Standards
- H10 Maintenance and Improvement to Existing Housing Stock

Planning Policy Statement 3: Housing

Supplementary Planning Guidance, Extensions; A Householders Guide (2008)

Supplementary Planning Guidance, Designing New Development (2003)

Supplementary Planning Document 'Accessible Homes'" (2006)

MAIN CONSIDERATIONS AND POLICIES (London Plan & 2004 UDP)

- 1) Principle of Development (H10, London Plan: 3A.1, 3A.2, 3A.4, 3A.5)
- 2) Character and Appearance of the Area (D4, D9, SPG)
- 3) Residential Amenity (D4, D5, SPG)
- 4) Parking Standards (T13)
- 5) Development Near Watercourses (EP13)
- 6) Accessibility (London Plan 3A.5, SPD)

- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

INFORMATION

This application is reported to the Planning Committee at the request of a Nominated Member.

a) Summary

Statutory Return Type: Minor dwelling
Conservation Area: Adjacent to Pinnerwood Park Estate
Car Parking: Standard 1.8
Justified 2
Provided 2
Lifetime Homes: Yes
Wheelchair Standards: No
Council Interest: None

b) Site Description

- The application site forms part of the garden area to 22E Jubilee Close, the land at the side projects out at the side by approximately 10.8m narrowing down to 6.6m at the rear;
- The eastern site boundary abuts the rear site boundaries of dwellinghouses along Norman Crescent, nos. 71 to 87;
- No.22E Jubilee Close is a two storey end of terraced property within a group of 5 terraced properties, located at the turning head of Jubilee Close;
- This particular row of terraces were built around the late 1980's;
- This row of terraces are located at a higher level than the adjacent highway;
- A row of 5 garages are located in front of Nos. 22C, 22D, and 22E which are level with the main highway; the land adjacent to these garage (eastern side) also forms part of the application site;
- Jubilee Close is predominately characterised by grouped terraced properties, arranged around the cul-de-sac;
- Norman Crescent located to the east of the site is characterised by a mixture of semi-detached and detached properties.

c) Proposal Details

- Construction of an attached single and two storey dwellinghouse, located at the side of No.22E Jubilee Close;
- The proposed front and rear building lines, including the single storey rear projection of the dwellinghouse would fall in line of 22E;
- The proposed dwellinghouse would have a width of 6.2 metres;
- A minimum distance of 3 metres would be maintained between the new dwelling and the culvert running along the eastern site boundary;
- A gable ended roof is proposed over the dwellinghouse and a rear dormer is also proposed;
- The proposed rear dormer would be set 1 metre from the roof end and 1 metre above the eaves, and 1.25 metres from the party wall;
- The proposed rear garden would be subdivided;

- Two parking spaces are proposed adjacent to the block of garage which would be level to the main highway;
- The front garden which is set at a higher site level (but level with the proposed dwelling) than the proposed parking area and it would be soft landscaped;

Revisions to Previous Application:

Following the previous refusal (P/1086/09) the following amendments have been made:

- The proposed dwellinghouse is shown to be attached to No.22E Jubilee Close instead of detached as previously proposed.

d) Relevant History

LBH/17928	Outline: erection of 6 terraced houses with garages and formation of access road	GRANTED 05-NOV-81
LBH/26353	Renewal of outline permission lbh/17928 dated 5/11/81 for five terraced houses with parking	GRANTED 11-OCT-84
LBH/27078	Five terraced houses with garages and parking	REFUSED 14-MAR-85 APPEAL DISMISSED 25-OCT-85
LBH/27403	Five terraced houses with garages & parking	REFUSED 18-APR-85
LBH/27679	Five terraced houses with garages and parking (revised)	GRANTED 02-MAY-85
P/2896/07	Single and two storey detached house with parking	WITHDRAWN 08-NOV-07
P/2127/09	Single and two storey detached dwellinghouse including accommodation in loft space with rear dormer and parking	REFUSED 24-JUL09

Reason for Refusal:

1. The proposed development by reason of its unacceptable design, layout and siting, would be out of character with the existing established pattern of development in the immediate vicinity, to the detriment of the character and appearance of the area, contrary to policy 4B.1 of the London Plan (2008) and policy D4 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance 'Designing New Development' (2003).

e) Pre-Application Discussion

PAT/ENQ.23/23/05/07

Principle of Development / Character / Policies

- From the information you have provided it was considered that under the assumption you own the land, your proposal appears acceptable in principle.
- PPS1 and PPS3 encourage high quality design that enhances the streetscene and you are advised to consider the grain of the area. Developments should be well integrated, and complement neighbouring buildings and the local context more generally in terms of scale, density, layout and access.

- It appears as though the proposed building would be wider and have a greater footprint than the adjacent terrace buildings. You are advised to respect the form, massing and composition of the existing terrace dwellings with your proposed scheme to complement the streetscene. This will seek to reinforce the positive and minimise the negative.
- The proposed development envelope is within private ownership, however the garage area fronting 22a - 22d is Council owned therefore the proposed parking layout adjacent to the garage block is unacceptable as it is land not within ownership of the developer / applicant.
- In summary, the lack of parking provision would impinge onto the Jubilee Close estate to the detriment of existing residents parking facilities and is therefore unacceptable on highway grounds.
- Advised to locate living rooms to the front of the proposed building as this would in turn lead to more natural surveillance from active rooms.
- Secured By Design principles should be incorporated with any proposal to restrict the opportunity for crime.

f) Applicant Statement

- This application is supported by a comprehensive Design and Access statement, which is summarised below:
 - Position and size of the new buildings determined by the row of the existing terraced houses;
 - Proposed house will be located along the building line of the existing buildings of Jubilee Close;
 - Development will not have a detrimental effect on the daylight servicing the neighbouring properties and will maintain the privacy of the adjacent house;
 - New drawings show reduced width of the proposed building to match the neighbouring properties;
 - Proposed building would provide a 3m offset from the new house to the existing watercourse at the side of the property;
 - A flood risk assessment, CCTV survey and structural engineers reports have been prepared to ensure that the new development will not have a negative effect on the existing drain;
 - Proposal has been deigned to match the look of the surrounding houses;
 - The size, scale and height of the windows and doors will be approximately same as on the neighbouring house;
 - In order to enhance the security of the property a gated entrance will be provided to the main access to the site, additional fencing will be provided to the side of the new building;
 - The new house will have a large garden of approximately 29 metres in length;
 - The path leading to the front entrance will be made of permeable materials and will be provided with security lighting;
 - A disabled access ramp will be provided at front and rear;
 - Landscaping will compose of lawn area will low level planting;
 - The property has been designed in accordance with the lifetime homes recommendations;

- The proposed house has its own private garden to the rear and two allocated car parking spaced adjacent to the house;
- Proposed dwelling meets the design guidelines and policies set out in the Harrow Council Local Plan;
- All materials used to construct the new building will be chosen to match the adjacent buildings;

g) Consultations

The Pinner Association: No response

Drainage and Engineering Services:

- Proposals for the development are satisfactory;
- Recommend a general control type condition ensuring drainage requirements are implemented in accordance with the details approved and that the works should not commence until the culvert is repaired & inspected by us, should be attached to the planning consent.

Notifications:

Sent: 22

Replies: 8

Expiry: 28-OCT-09

List of Neighbours Consulted

20 Jubilee Close	71 Norman Crescent
21 Jubilee Close	73 Norman Crescent
22 Jubilee Close	75 Norman Crescent
22A Jubilee Close	77 Norman Crescent
22B Jubilee Close	79 Norman Crescent
22C Jubilee Close	81 Norman Crescent
22D Jubilee Close	83 Norman Crescent
23 Jubilee Close	85 Norman Crescent
24 Jubilee Close	87 Norman Crescent
25 Jubilee Close	89 Norman Crescent
26 Jubilee Close	
27 Jubilee Close	

Summary of Responses:

- Original planning permission for the terraced properties granted under LBH/27679, stated that no windows would be allowed on the flank wall of no.22e and that no development would be permitted between this flank wall and the boundary at the rear of 77 and 79 Norman Crescent.
- The proposed windows would lead to overlooking.
- Blockage of the culvert would create a potential severe flood risk.
- Accessibility for emergency services is restricted;
- overdevelopment of the area;
- will set precedent for over development of area;
- property designed with wheelchair access - risk of property being used as nursing home – commercial business based on profit;
- The building is too large – will extend considerably beyond the rear building line;
- Dormer window would overlook gardens – further large intrusion into the outlook from properties in Norman Crescent;
- Will present an incongruous outlook for residents in Norman crescent;

- Planning permission given for Jubilee Estate has already had a deleterious effect on the value of property – proposal would result in considerable additional deleterious effect on property;
- Similar to P/1086/09 which was refused planning permission;
- Encroachment on boundary line – essential that boundary line is clearly defined as on present deeds for homes in Norman Crescent;
- The valley between Jubilee Close property boundary line is therefore not clearly marked – owner of property in Jubilee Close has endeavored to fill this valley and thus encroach on land owned by Norman Crescent Residents;
- Any planning permission should have condition for boundary line to be agreed and provide high fencing.

APPRAISAL

1) Principle of Development

National and Local planning policies seeks to maximise the potential use of scarce land to provide future housing needs. Policy 3A.1 of the London Plan sets out the target for housing supply for each London Borough, for Harrow this being a provision of 4,000 additional homes for the next ten years and an annual monitoring target of 400. It is considered that the principle to redevelop this site for residential development would be in accordance with the London Plan policies 3A.1 and 3A.3.

2) Character and Appearance of the Area Standard of layout Design and Layout

Policy 4B.1 of the London Plan and saved policy D4 of the Harrow seeks to *inter alia* ensure that all new development achieve a high standard of design which respects the local context and character of the area. Jubilee Close is characterised by grouped terraced two storey dwellinghouses laid around an unconventional cul-de-sac layout. The row of terraces that the proposed development would relate to forms part of a latter addition of terraced property on Jubilee Close.

This application follows on from a previous application (P/1086/09) which was refused planning permission for the reason stated above. In this previous application the applicant sought to construct a detached house. The scheme was considered to be unacceptable by reason of its detached nature as it was considered that it would not be in keeping with the terraced pattern of development of Jubilee Close. In this current application, the applicant is seeking to construct an end of terrace single/two storey dwellinghouse attached to No.22E. It is considered that the proposed development would respect the pattern of development of the surrounding locality.

The external appearance of the proposed development would replicate the design and appearance of the adjacent terraced dwellings. The proposed roof form would be in keeping with the end gabled roof design of the existing terrace and the proposal seeks to use matching materials to that used in the adjacent dwellings. It is considered that the proposed scale, massing, layout and design of the proposed dwellinghouse would mirror that of the existing Jubilee Close development.

The Council's Supplementary Planning Guidance on Householder Extensions (the principles of which also applies to 'new build') state that a single storey rear projection for terraced property should be limited to 2.4m beyond the rear wall of the adjacent property.

In special circumstances a greater depth may be allowed and this is set out under paragraph C.4 of the SPG. In this case, the proposed single storey projection at the rear would project 3.12m beyond the rear main wall of the neighbouring property at 22E but it would not project beyond the existing single storey rear extension at no.22E. This additional depth would fall under the special circumstances set out under paragraph C.4 of the Council's SPG.

The proposed rear dormer would be sufficiently set within the context of the rear roof slope and would maintain sufficient roof margins which would accord with the guidance set out under paragraph D.5 of the Council's SPG.

Based on the above factors and site considerations, it is considered that the scale, bulk and character of the proposed development would be in keeping with the context of the surrounding properties and it would therefore comply with the objectives set out under policies 4B.1 of the London Plan and saved policy D4 of the Harrow UDP, and the Council's SPG.

Landscaping

Due to the site level difference and the siting of the garage block in front of the existing row of terraced dwellings, the ground level of the front garden would be largely obscured from view of the main vantage points in the street. The proposed parking area would be located adjacent to the garages at street level, which would allow for appropriate soft landscaping of the front garden. The applicant has provided a detailed layout of the landscaping scheme, showing adequate forecourt greenery in accordance with the objectives set out under saved policy D9 of the Harrow UDP.

Refuse Storage

Paragraph 4.24 of the reasoned justification to policy D4 requires that the storage of refuse bins must be included in such a way to minimise its visual impact. The applicant has also shown the adequate provision of refuse and recycling bins for the proposed development at the side behind the side fence.

3) Residential Amenity

In assessing the impact of the proposed development upon the residential amenities of the neighbouring occupiers at No.22E, the proposed scale, bulk and width of the development would be similar to that of the neighbouring dwellinghouse at No.22E. The proposed single storey rear projection as discussed above would exceed the depth that would be normally permitted for a terraced property. However, the neighbouring property at No.22E has a single storey rear extension to the same depth and therefore any perceived harm would be mitigated. With regards to the proposed rear dormer it is considered that the any overlooking from this dormer would be at an oblique angle and such overlooking would not result in an unacceptable level of overlooking as the existing two storey dwellinghouses overlook each other. Based on the above factors it is considered that there would not be any unreasonable impact upon the residential amenities of the neighbouring occupiers at No.22E.

With regards to the dwelling houses along Norman Crescent which adjoin the site boundary, it is acknowledged that at present these properties enjoy the open views and the separation of the existing development at Jubilee Close and the rear site boundaries of the dwellings along Norman Crescent.

The proposed development would bring the eastern building line closer to the rear site boundary of these dwellings along Norman Crescent. However, the proposed development would still maintain a distance of at least 3m to this boundary. The proposed ground floor facing flank windows would be sited 3m away from the site boundary, which is in accordance to the guidance set out under paragraph 3.6 of the Council's SPG and therefore it is considered that any overlooking from these windows would not be unreasonable.

The proposed first floor window would be a high level window, obscured glazed and it would serve a bathroom. It is considered that the distance maintained would mitigate any perceived impact upon the residential amenities of the occupiers of these dwellings.

The design and siting of the proposal would meet the requirements of the SPG and the objectives of saved policy D5 of the Harrow UDP and therefore it is considered that there would not be a harmful impact on neighbouring residential amenity as a result of this proposal.

4) Parking Standards

The proposed development seeks to provide two off street parking spaces, which would be located adjacent to the garage block. The access to these parking spaces would be from the existing access for the garage. The proposed number of parking spaces would be in accordance the Parking Standards set out under Schedule 5 of the Harrow UDP appended to saved policy T13 of the UDP. It is considered that the proposed development would not have a detrimental impact on the free flow and safety of traffic on the adjacent highway.

5) Development Near Watercourses

Policy EP13 relating to culverting and deculverting seeks to encourage developers to enhance and open up (deculvert) watercourses for the benefit of wildlife, to improve amenity and access for maintenance. The Council may require watercourses to be enhanced and/ or deculverted as part of proposals. Paragraph 3.50 of the reasoned justification of this policy goes onto state *inter alia* that all development proposals sited close to culverted watercourses should facilitate their continued effective maintenance and replacement.

The application site is located within close proximity to an existing culverted watercourse. In a previous application ref. P/2896/07, the proposed building by reason of its width would have been sited very close to this culvert. Following objections received from the Council's Drainage and Engineering Department, this application was withdrawn for further consideration. The applicant has since been liaising with the Council's Drainage department to achieve a solution and has also undertaken a full drainage report to support this new application. The proposed development would maintain a minimum distance of 3m from the culvert, the Council's Drainage section are satisfied with the amendments made and raise no objection, subject to a condition requiring that the intrusion in the culvert is repaired prior to the commencement of development. Based on the above factors it is considered that the proposed development would not prejudice the existing culvert and would not conflict with the objectives set out under saved policy EP13 of the Harrow UDP.

6) Accessibility

The proposed development has been shown to meet all 16 of the Lifetime Homes Standards (as relevant) as stipulated in the Council's Supplementary Planning Document 'Accessible Homes'. The proposed development would have level threshold access, wider corridor and adequate internal door widths. The proposal also shows a room at entrance level, which can be used as a convenient temporary bed space; a wheelchair accessible entrance level WC and future space provision for a wheelchair lift.

The proposed development is considered to be acceptable in this regard and would be in accordance with saved policy C16 of the UDP and with Policy 3A.5 of the London Plan and the Council's Supplementary Planning Document 'Accessible Homes'.

7) S17 Crime & Disorder Act

The applicant's Design and Access states that In order to enhance the security of the property a gated entrance will be provided to the main access to the site, additional fencing will be provided to the side of the new building. The application site is naturally overlooked by the surrounding residential development and the proposed layout of the development would ensure natural surveillance of the property is maintained, which would comply with the objectives set out under paragraphs 4.19 and 4.20 of Policy D4 of the Harrow UDP. It is considered that the proposed development would not have a material impact upon community protection.

8) Consultation Responses

- The approval of LBH/27679 was prior to current national and regional policy guidance which seeks to make more effective use of land. The proposed dwelling house would maintain a minimum distance of 3m from the side boundary that backs on to the rear gardens of Norman Crescent. The proposed flank elevation windows would be in accordance to the guidance set out in the Council's SPG, in addition the first floor window would be high level and obscured glazed. Overlooking of rear gardens already exists given that Jubilee Close is characterised by terraced dwellings that overlook each other and the rear gardens of Norman Crescent at oblique angles. It is considered that an addition of a new dwelling house would not give rise to an unacceptable level of overlooking.
- There were a number of conditions attached to the approval of LBH/27679 for the five terraced properties. Condition 4 of the planning permission restricts permitted development rights and therefore should any of the properties located in this terrace would like to extend or develop on their land, a planning application must be submitted to and written permission must be obtained from the Council. This condition does not state that further development on this site would not be permitted.
- A full report relating to the culvert was submitted by the applicant and the drainage section are satisfied with the information provided.
- The property has been designed to meet lifetime home standards.
- The bulk of the new dwelling would mirror that of the existing property at no.22E.
- Access for emergency service would be no different than the existing situation.
- A Land Registry search was conducted regarding the boundary line. The proposal is sited within its site boundaries and there would not be any encroachment.

CONCLUSION

The proposed development for an attached dwellinghouse addresses the previous reason for refusal. The proposal is compatible with the established pattern of development in Jubilee Close and there would not be an unreasonable harmful impact on the neighbouring residential amenities. For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above:

This application is recommended for grant.

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those approved on drawing No.2798/100/D

REASON: To ensure that the materials in the development are in keeping with the appearance and character of the locality.

3 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

4 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Home Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Home' standard housing in accordance with saved policy C16 of the Harrow Unitary Development Plan and policy 3A.5 of the London Plan.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s), other than those shown on approved plan no. 2798/100/E. shall be installed in the flank wall(s) of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To ensure that any future installation of new windows does not prejudice the privacy amenity of the residents on Norman Crescent.

6 The first floor window in the east flank wall of the approved development shall be of purpose-made obscure glass and be permanently fixed closed below a height of 1.7 metres above internal finished floor level and shall thereafter be retained in that form.

REASON: To ensure that there is no direct overlooking of the rear gardens of the properties along Norman Crescent.

7 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 building(s), or the completion of the development, whichever is the sooner.

Any existing or new trees or shrubs which, within a period of 2 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 a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

8 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

Please note: guidance on permeable paving has now been published by the Environment Agency on

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B and D in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of and to safeguard the amenity of neighbouring residents.

10 Notwithstanding the details contained in the Drainage Report, no building works shall commence until the indentified intrusion to the culvert within the site is first repaired to the Council's satisfaction and then inspected by the Council's Drainage Department.

Reason: To prevent the increase risk of flooding elsewhere.

11 The submitted drainage and water attenuation measures shall be carried out in accordance with the approved details set out in the Drainage Report.

Reason: To ensure that adequate drainage facilities are provided and to prevent the increased risk of flooding.

INFORMATIVES

1 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

2 INFORMATIVE:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

Item 2/11 : P/2127/09/SB5/W continued/...

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

“The Party Wall etc. Act 1996: Explanatory booklet” is available free of charge from:
Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote **Product code**: 02 BR 00862 when ordering

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

3 INFORMATIVE:

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos. Site Plan; 2798/ 100/ E; Drainage Report; Design and Access Statement

69 WEST END LANE, PINNER, HA5 1AF

Item: 2/12

P/2001/09/SB5/W

Ward PINNER

DEMOLITION OF NURSERY SCHOOL BUILDING; REPLACEMENT TWO STOREY BUILDING WITH HABITABLE ROOF SPACE PROVIDING 6 FLATS; NEW VEHICLE ACCESS

Applicant: Towers Associates

Agent: Miss S A Malik

Statutory Expiry Date: | 30-OCT-09

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans:

REASON

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

London Plan:

4B.1 – Design Principles for a Compact City
3A.1 - Increasing London's Supply of Housing
3A.2 - Borough Housing Targets
3A.4 - Efficient Use of Stock
3A.5 - Housing choice
3A.24 – Education Facilities
London Plan Draft Housing Design Guide (2009)

Harrow Unitary Development Plan:

D4 The Standard of Design and Layout
D5 New Residential Development – Amenity Space and Privacy
D9 Streetside Greenness and Forecourt Greenery
D10 Trees and New Development
T13 Parking Standards
H10 Maintenance and Improvement to Existing Housing Stock
C16 Access to Buildings and Public Spaces

Planning Policy Statement 3: Housing

Supplementary Planning Guidance, Extensions; A Householders Guide (2008)

Supplementary Planning Guidance, Designing New Development (2003)

Supplementary Planning Document 'Accessible Homes' (2006)

MAIN CONSIDERATIONS AND POLICIES (London Plan & 2004 UDP)

- 1) Principle of Development (PPS :3, London Plan: 3A.1, 3A.2, 3A.4, 3A.5)
- 2) Loss of Educational Facilities (3A.24)
- 3) Character and Appearance of Area and Density (D4, D9, SPG; London Plan 4B.1)
- 4) Residential Amenity (D4, D5, SPG)
- 5) Trees (D10)
- 6) Accessibility (London Plan Policy 3A.5, SPD)

- 7) Parking Standards (T13)
- 8) S17 Crime & Disorder Act (D4)
- 9) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type:	Minor Dwellings	
Site Area:	0.0815 ha gross	
Habitable Rooms:	15	
Density:	184 hrph, 73.6 dph	
Car Parking	Standard	7.8
	Justified	6
	Provided	6
Lifetime Homes:	Yes	
Wheelchair Standards:	No	
Council Interest:	None	

b) Site Description

- Two-storey detached building located on the western side of West End Lane;
- The lawful use of the property is a day nursery, Use Class D1, the site had temporary planning permission granted from 1999 to 2007 for the use of the premises as a dwellinghouse Use Class C3, this use has since ceased and the use of building has reverted back to its original lawful use as a day nursery;
- The property is at present vacant and has been since the its use as a dwellinghouse ceased;
- The property is situated in the rear part of the plot and it is therefore set back from the main highway;
- There is no rear garden, however the front garden measures some 21 metres deep and it is well screened by the existing tree lined northern and eastern site boundaries, it is believed that when the property was used as a dwellinghouse this front garden formed part of the amenity area;
- At present there is provision for off street parking which is accessed from a vehicle access which is located approximately 4 metres from the site boundary shared with the electricity sub station;
- The site benefits from an area Tree Preservation Order (TPO) Nos. 668 and 657 for a Ash which is located on the land forming part of the electricity sub station to the south of the site, and a Sycamore located on the school grounds;
- The site to the south, west and north is surrounded by school buildings forming part of West Lodge First and Middle School, including the caretakers dwellinghouse with is located at no.67, south of the application site and a electricity sub-station which separates the subject site and the caretakers house;
- To the east of the site is Pinner Memorial Park and West House which is currently undergoing renovation;
- Application site falls within a Public Transport Accessibility Level(PTAL) 2;
- West End Lane, with the exception of West Lodge School and Pinner Memorial Park is predominately characterised by residential development;
- West End Lane and surrounding road have parking restrictions in place.

c) Proposal Details

- Demolition of existing two storey building;
- Construction of a two storey building with habitable roof space to provide 3 x 1 bed flats and 3 x 2 bed flats;
- The proposed building would be set approximately 5.8 metres from the front boundary, it would have an overall width of approximately 16.6 metres and a depth of 14.2 metres (inclusive of the two storey rear projection);
- The highest part of the building would measure approximately 9.8 metres high, a hipped roof is proposed over the main bulk of the building and a crown hipped roof is proposed over the proposed two storey rear projection;
- The proposal seeks to provide 6 parking spaces. One disabled space would be located at the front and 5 parking spaces would be at the rear accessed from an access drive located at the side (northern) of the proposed building; the remaining part of the rear area would form the communal garden area for the proposed block of flats;
- A timber bicycle store and a composting area is proposed at the rear;
- The refuse storage would be located adjacent to the southern flank elevation of the proposed building and it would accommodate 3 x 1000 litre waste bins.

Revisions to Previous Application:

Following the previous decision (P/0704/09.) the following amendments have been made:

- The design of the building has been amended to show a building with a conventional hipped roof and eaves detail, in place of the previously proposed unconventional curved roof design;
- The overall width (previously 22.5m) and depth (previously 16.7m) of the proposed building has been reduced;
- The previously proposed undercroft design providing access to the rear parking area has been omitted;
- The bin storage has been relocated to the southern side of the proposed building;
- Number of parking spaces reduced from 8 spaces to 6 spaces;

d) Relevant History

LBH/U/6747	Use of depot for distribution and storage of milk and food products with ancillary office, garages and repair of motor vehicles	GRANTED 22-OCT-70
LBH/6747/1	Erection of 21 town houses, 19 lock-up garages with parking area and access road	REFUSED 24-JAN-72
LBH/6747/3	Demolition of existing premises and erection of nursery school and play areas - outline	GRANTED 30-MAY-73
LBH/10269	Alteration and erection of single storey rear extension	GRANTED 21-FEB-74
LBH/6747/4	Change of use from residential to use as educational assessment unit	GRANTED 06-MAY-75
LBH/6747/5	Change of use from dairy to use for educational	GRANTED 01-APR-76

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LBH/6747/6	Erection of 12' high chain link boundary fence	GRANTED 01-APR-76
WEST/164/99/FUL	Change of use: nursery to residential (class d1 to c3) to provide 5 bedroom house	GRANTED 25-OCT-99
P/1815/04/DVA	Variation of condition 10 of planning permission west/164/99/ful to permit continued use of property as dwellinghouse	GRANTED 07-SEP-04
P/0704/09	Demolition of nursery school building; replacement two & three storey building providing 8 flats; new vehicle access	REFUSED 25-JUN-09

Reasons for Refusal:

1. The proposed development by reason of excessive bulk, massing, prominent siting, unsatisfactory design, excessive site coverage by building and hard-surfaced parking areas, and inadequate provision of rear amenity space, would appear unduly bulky and obtrusive in the streetscene, detract from the established pattern of development in the immediate vicinity, and amount to an overdevelopment of the site to the detriment of the character and appearance of the area, contrary to policy D4 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance 'Designing New Development' (2003) and Supplementary Planning Guidance; Extensions: A Householders Guide (2008).
2. The proposed development by reason of size, siting and design would be obtrusive and overbearing in relation to No. 67 West End Lane, and give rise to the perceived and direct overlooking of that property, contrary to policy D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance; Extensions: A Householders Guide (2008).
3. The proposed development would provide inadequate amenity space and, by reason of its unacceptable layout and design would give rise to unacceptable levels of disturbance within the building and enable the direct overlooking of the proposed ground floor rear windows of the development, to the detriment of the residential amenities of the future occupiers of the development, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance; Extensions: A Householders Guide (2008).
4. The proposal by reason of its unacceptable layout and design would provide inadequate provision for people with disabilities and non-compliance with the Lifetime Homes Standards would provide cramped and substandard accommodation to the detriment of the amenities of future occupiers of the site, contrary to policy 3A.5 of the London Plan (2004), policies D4 and D5 of the Harrow Unitary Development Plan (2004), and the Council's Supplementary Planning Documents 'Accessible Homes' (2006).
5. The proposed side entrance door, by reason of inappropriate location would receive inadequate natural surveillance and this together with the absence of any security gates would be detrimental to the safety of future occupiers of the development, contrary to policy D4 the Harrow Unitary Development Plan (2004).

e) **Pre-Application Discussion**

PAT/ENQ.3534/13.03.08

Principle Context / Scale / Character

- From the information provided the Team agreed that the proposed development was unacceptable as it would represent an overdevelopment of the site in terms of building footprint, scale, bulk / massing, excessive hardsurfacing and lack of amenity space/green space.
- The hardsurfacing/car parking area at the front of the proposed development was considered unacceptable and would detract from the green suburban character of the locality.
- Concerns were raised with the potential impact on surrounding properties with regard to loss of privacy / amenity, overlooking and overshadowing. It is considered that the footprint and positioning of any new building needs to be carefully planned to avoid any adverse impact on the amenity of neighbouring properties and future residents.
- Issues were also raised with the bedroom windows in the proposed scheme which were located 2 metres from the boundary of the adjacent school playground. It is considered that the amenity value for future occupants of these units would be poor with poor outlook and issues with noise disturbance.
- The site contains protected trees (TPO No. 668), we would therefore require the submission of a Tree Constraints Plan (in line with BS: 5837 (2005)) as part of the submitted proposal.
- In accordance with London Plan and Harrow UDP Policies, the loss of a D1 use would also need to be justified with any planning application of this nature.
- *The London Plan is now our policy base and in particular you should be aware that the London Plan adopted a lower threshold for affordable housing from 15 units to 10 units on the 19th February 2008 – Any application received on or after this date will have to comply with the lower threshold policy*

PAT/ENQ/3534/7/8/2008

Principle / Context / Scale / Character / Amenity Impact

- Consideration for setting of listed building West House needs to be taken in to account
- Out of character in street scene contrary to policy D4
- Frontage of building is bland and requires articulation. North and East elevations are bland to the point of being out of character, need for articulation and better ordering of windows
- Overdevelopment of site , building considered to be too bulky and dominant
- Street scene would need to be submitted with planning application to show relationship to No.77 and school
- Appears to indicate loss of frontage trees
- Northern boundary conflicts with root protection area of surrounding trees
- Landscaping specification would need to be submitted with any future planning application
- Under provision of car parking spaces, 2 additional spaces would be required. 1 space per unit plus 1 visitor
- Information on uses of surrounding buildings required
- Controlled access would be required with full height boundary to front of building in line with Secured by Design standards.
- Need to show provision of lift or ability to be retrospectively fitted

- To be built to Life Time Homes Sustainability Code Level 3 as minimum
- Harrow is a promoter of Greywater / rainwater harvesting; Green Roof and Green Wall treatments and would suggested that these elements be considered

f) Applicant Statement

- This application is supported by a Design and Access Statement, which is summarised below:
 - Number of units proposed reduced to six from 8 previously;
 - This has reduced the bulk and dominance of the block;
 - Parking area at the rear of site where it would not be intrusive;
 - It would be possible to overlook the parking areas from habitable room in accordance with the advise contained in the Council's 'Secured by Design' guidance;
 - Layout ensures that land at front of the site is retained largely for soft landscaping;
 - Communal amenity space is provided at the rear which would be sufficient and usable;
 - Provision made for refuse storage within separate enclosure in location close to the road for ease of collection;
 - Refuse storage will have no impact on visual amenity and will satisfy policy D4 and the Council's 2008 Code of Practice for the storage of refuse in domestic properties;
 - Density proposed is 74 u/ha which satisfies the London Plan Density Matrix;
 - Broad scale of development is appropriate and its maximum height will be similar to the school buildings to the south;
 - Building is deeper than existing but it will be brought forward to align more closely with nearby buildings – its width will be similar to other developments in the vicinity;
 - Landscaping scheme will be prepared;
 - Appearance of building is of traditional form to reflect design of existing buildings and domestic residences in the area;
 - New building will complement the architecture and character of residences nearby;
 - Attention will be paid to ensure development meets the requirements of The Disability Discrimination Act and Part M of the Buildings Regulations.

4 letters of response to some of the objections made has also been submitted by the applicant:

- Design amended – now more in keeping with area;
- No matter what amendments are made it will not satisfy a certain core of people in Pinner;
- Nursery school will cause more traffic than residential;
- Existing use is D1 so it can be used for any non-residential uses that fall in this category;
- If used for any other uses in D1 use class will increase traffic;
- Not house being demolished – it is a nursery (use class D1) building being demolished;
- Council raise no objection to building used as housing;

- Only small population objecting to proposal;
- Propagate the idea that people who reside near school might pose a danger to children – properties was previously occupied by squatters;
- Current property looks out of character;
- Proposed flats will be brought forward away from school boundaries;
- Proposed 2 and 3 storey building is not out of character;
- Huge demand for 1 and 2 bedroom flats;
- Most objections are followers of the Pinner Association and Pinner History Society

g) Consultations

The Pinner Association

1. This is an application for six flats in what is in essence a three storey building. The principal daytime living accommodation of the three two bedroom flats is in the roofspace. Such a building would be much taller than the buildings on either side of it and would dominate them, particularly as it is proposed to be at the front of the site.
2. Such a building with flat use would be out of character with its surroundings. This part of West End Lane is characterised by detached houses and bungalows which generate a feeling of openness. Flats here would be inappropriate.
3. Bringing the proposed new building to the front of the site would not only emphasise its size and bulk but also would result in the loss of the trees and vegetation which currently occupy this area. The consequence would be the loss of an important green screen which is currently beneficial to the streetscene and its replacement by hard landscaping and a building.
4. To the rear of the proposed new building it is proposed to have parking for five cars with one disabled space at the front. If the majority of the rear spaces are occupied the driver on the scene would find it extremely difficult to turn his vehicle around to enable him to exit the site in a forward direction. The adjoining amenity space is already very small and no more can be spared for improving vehicle movements.
5. It follows from the above that the proposals constitute an overdevelopment of the site. They are an improvement on the previous scheme but still too much.
6. A scheme comprising nine bedrooms would be likely to generate more than five motor cars owned by non-disabled drivers. The result would be more parking in already crowded adjoining streets.
7. This part of West End Lane is choked with traffic at “drop off” and “collection” times for West Lodge School. Ingress to and egress from this site at such times would only make a bad situation worse.
8. Accessibility for delivery vehicles is not good and even at non school times the vehicular activity generated by six flats with only a single access point to a very busy road is not desirable in highway safety terms. This situation will worsen when West House opens.

Drainage Engineer : No Objections subject to standard drainage condition.

Advertisement: None Expiry: n/a

Notifications:
Sent: 31 Replies: Expiry: 02-OCT-09
11 objections
2 letters/ emails of support

List of Neighbours Consulted

67 West End Lane
77 West End Lane
79 West End Lane
4 Mansard Close
4 Cuckoo Hill Drive
44 Cuckoo Hill Drive
6 Lulworth Drive
10 Crest View
28 Cannon Lane
81 West End Lane
69 West End Lane
57 West End Lane
97 West End Lane
24 West End Lane
59 West End Lane

West House
Pinner Recreation Ground
West Lodge First And Middle Schools
52 High View
28 High View
9 High View
10 Ringwood Close
6 Hazeldene Drive
128 Cannonbury Avenue
22 Malpas Drive
3 North Way
Mistletoe Lodge
9 West Way
10 West Way
15 West Way
21 West Way

Summary of Responses:

2 letters of support were received:

- 6 attractive apartments are far better than a derelict building;
The Pinner Association in 1990's used all means to create 21 flats in West House – but object to proposal.

11 objections:

- Building larger than existing;
- 3 storey block of flats;
- Overdevelopment of the site;
- Scale of building out of character with domestic houses/ detached houses in West End Lane;
- Not sufficient manoeuvring space in rear car park – vehicles would have to reverse out;
- Drive way close to school entrance will add to congestion – increase traffic would exacerbate existing situation;
- Little amenity space available for flats;
- Loss of trees
- Close proximity to school;
- If development goes ahead, an archaeological assessment should be made;
- Historic roadway filled with family houses of earlier 20th Century;
- Significant and sensitive site, being the former West End Farmhouse – going back to medieval times;
- Flats are unwanted in this part of Pinner;
- Impact on local infrastructure – foul drainage, water supplies and surface water drainage - constant changes may disturb the water table;
- Overlook school;
- Would be contrary to the planning approach of Harrow Council which is to minimise the growth of flats in what are essentially single family dwellings;
- Opening of West House will create more traffic – replacement of one dwelling with six would lead to unacceptable increase in traffic.

APPRAISAL

1) Principle of Development

National and Local planning policies seek to maximise the potential use of scarce land to provide future housing needs. Policy 3A.1 of the London Plan sets out the target for housing supply for each London Borough, for Harrow this being a provision of 4,000 additional homes for the next ten years and an annual monitoring target of 400. It is considered that the principle to redevelop this site for residential development would to be in accordance with London Plan policies 3A.1 and 3A.3.

2) Loss of Educational Facilities

The Council's policy C5 (Nursery and Childcare Facilities) is one of the policies that was deleted from the Harrow UDP, in the absence of local policy the London Plan policy 3A.24 - Education facilities would be relevant in assessing the impact of the loss of the nursery facilities within the local community. The aim of this policy is to ensure that there is adequate education provision to serve the local community and it seeks to retain existing educational land uses.

Planning permission WEST/194/99/FUL granted planning permission for the change of the use of the property from a nursery Use Class D1 to residential Use Class C3. This permission was granted for a period of 5 years only (Condition 10). A further planning application was made under P/1815/04/DVA to vary the wording of condition 10 of WEST/194/99 to allow the continued use of the premises as a dwellinghouse. This was granted on the condition that the use be discontinued before 31.10.2007. The residential use of the property ceased at the end of 2007 and the property has since been vacant. Having regard to the fact that the property has not been used as a nursery for nearly 10 years, and that there are other educational facilities nearby, it is considered that the loss of the nursery facilities would not prejudice the Government's objectives set out under London Plan policy 3A.24.

3) Character and Appearance of Area and Density Standard of layout Design and Layout

This application follows on from a previous application (P/0704/09) which was refused planning permission for the reasons stated above. In this current application, the applicant has sought to address the previous reasons for refusal.

Policy 4B.1 of the London Plan and saved policy D4 of the Harrow UDP seeks to *inter alia* ensure that all new development achieve a high standard of design which respects the local context and character of the area. The immediate surrounding area is predominately characterised by a mixture of single and two storey forms of development, set within adequate sized plots. With the exception of the modernisation of West House, most of the built development reflects the style and era of when the original properties were built. Predominately the front building lines are set back from the main highway with most of the front gardens being hardsurfaced but still retaining forecourt greenery. The only property in the immediate vicinity where this differs is at the school caretakers property located at No.67. The front building of No.67 is set further forward in the plot and most of the front garden has been hardsurfaced over to allow for off-street parking.

Although, the front building line of the proposed development would be approximately in line with the previous scheme (P/0704/09), the overall width and depth of the proposed development has been reduced in size. The front building line would be in line with that of the neighbouring dwellinghouse located at No.67 West End Lane. The overall reduction in width would make the proposed development appear less obtrusive and bulky in the streetscene. Furthermore, by reducing the width of the building, the proposal would maintain space around the proposed building and the site boundaries, therefore retaining space about the building.

In terms of the external appearance of the proposed building, the applicant has amended the proposed roof detail to show a hipped roof over the two storey front projections in place of the originally proposed end gabled roof design. This is considered to have reduced the overall three storey appearance of the development in the streetscene. The use of a traditional roof and eaves detail would make the overall development appear more in keeping with the pattern of development of the surrounding area. The proposed small dormer feature would not appear out of place in this locality as there are other examples of such front dormers in the locality.

Based on the above factors and site considerations, it is considered that the scale, bulk and character of the proposed development would not have a detrimental impact upon the character and appearance of the area and it would therefore comply with the objectives set out under policy 4B.1 of the London Plan and saved policy D4 of the Harrow UDP, and the Council's SPG.

Landscaping

Paragraph 4.21 of the reasoned justification to saved policies D4 and D9 of the Council's UDP seeks to achieve a high standard of planting design in development proposals and to retain a high quality of forecourt greenery. The proposal has shown an indicative layout for the soft landscaping of the front gardens, which would maintain adequate forecourt greenery. It is considered that the detailed soft and hard landscape works can be controlled by a planning condition and therefore the proposed indicative landscape works would be in accordance to the objectives set out under saved policy D9 of the Harrow UDP.

Refuse Storage

The Council's 'Code of practice for the storage and collection of refuse and materials for recycling' requires for this size of development the provision of 1x 1100 litre waste bin and 1x 1280 litre blue bin. The proposed development has shown the provision of 3 x 1000 litre bins (1 for waste and 2 for recycling) which would be located in a designated refuse store which is located at the side of the proposed building. The proposed refuse storage would be sited approximately 3.5m behind the front elevation of the proposed building and approximately 10.5m from the front boundary. It is considered that the proposed location of the refuse storage would be sufficiently sited away from the front boundary so as not to appear visually obtrusive. The proposed location would also be accessible for the refuse collectors. It is considered that the proposed finishing and material details for the refuse storage can be controlled by a planning condition, which has been suggested. It is considered that the proposed refuse storage would be acceptable and in accordance with paragraph 4.24 of the reasoned justification of saved policy D4.

Density

The application site is within a suburban location and in a zone with a medium level of public transport accessibility (2-3) and seeks to provide 2-4 habitable rooms per unit. The London Plan density matrix as set out under policy 3A.3, states that densities within such a location should be between 50-95 units/ per hectare and between 150-250 habitable rooms/ per hectare. The proposed development would have an overall density of 74 units/ per hectare and 184 habitable rooms. The density of the proposed development would comply with the London Plan density matrix set out under policy 3A.3.

4) Residential Amenity For Future Occupiers of The Site

Saved policy D5 asserts that new residential development should provide amenity space that is sufficient to protect the privacy and amenity of occupiers of surrounding buildings, be sufficient as a usable amenity area for the future occupiers and provide visual amenity. It does not stipulate a minimum or maximum standard of amenity space required, but will assess each case against the standard of amenity space in the surrounding area and the amount of useable space provided. In this case the surrounding area is characterised by adequately proportioned rear gardens. The proposed development, by reducing the overall built development on the site has sought to overcome the previous reasons for refusal. The proposal would provide a communal rear garden, which would have an overall area of 240m², equating to 40m² per flat. Under the previous application (P0704/09) the proposed garden area was shown to be 150m² (less than 20m² per flat) and half of the rear garden in that scheme would have been occupied by the rear car parking. It is considered that by the reduction in the total of number of units proposed, together with the provision of amenity space above twice the area to the previously proposed overcomes the previous reasons for refusal. The proposed amenity space is considered to be both sufficient and useable for the size of development proposed. Furthermore, Pinner Memorial Park is located directly opposite the site and could provide further outdoor amenity space for future occupiers.

It is noted that the flats located at the rear of the building would be overlooked by the communal rear garden. However, the proposal does show that there would be some forming of planting to provide screening. It is also considered that a small low level should also be provided without having a detrimental impact on the provision of amenity for the other occupiers of the development. A suitable planning condition is recommended.

In terms of the internal layout of the proposed units, it is considered that the proposed layout of the flats would be acceptable, with similar rooms stacked over similar room to avoid unreasonable disturbance between the flats.

In conclusion it is considered that the proposed development has overcome the previous reasons for refusal and would be compliant with the objectives set out under saved policy D5 of the Harrow UDP.

Impact on Existing Residential Amenity

The facing flank window to no.67 serves a bathroom and it is therefore not protected for the purposes of the Council's guidelines. The proposed building would not intercept the 45 degree splay taken from the first floor rear corner of this neighbouring building.

In addition to this, the proposed bulk of the development would be sited away from the site boundary, with the two storey rear projection sited further away from this site boundary. Furthermore the subject site is separated from No.67 by the electricity sub-station, which would further mitigate the impact of the proposed development. Based on this it is considered that subject to a condition requiring a planting screen along the southern site boundary, the proposed development would not result in a detrimental impact upon the residential amenities of the occupiers at No.67.

Other Matters

It is noted that comments have been received about the proposed development overlooking the school grounds. However, it is not uncommon for schools to be located in residential areas and as a consequence would be overlooked by residential development. It is considered that such a relationship between schools and new and existing residential development is acceptable and a refusal on ground of overlooking of the school grounds cannot be justified in this case.

5) Trees

The application site is covered by an Area Tree Preservation Order (TPO) No. 668 and 657, with the Ash and Sycamore Tress as the principal trees species. The Council's Tree Officer considers that most of the trees on the site, notable on the north and east sides where they form a tree screen, have only a moderate to low retention value and therefore it does not considered that these trees represent a significant material constraint on the site. The only trees of real merit are the Ash in the adjacent to the sub-station and the Sycamore on the school grounds. The tree assessment and the proposed tree protection plan submitted with this application is considered to be acceptable. The Council's Tree Officer raises no objection to the proposed development on tree grounds and recommends that a condition is attached to ensure the implementation of the protection plan and a further condition requiring a native hedge planting at the front and along the northern side of the site. Based on this these factors, it is considered that the proposed development, subject to the imposition of the conditions recommended would not have a detrimental impact upon the retained trees on this site and the proposal accords with saved policy D10 of the UDP in this regard.

6) Accessibility

Upon assessing the internal layout of the development, the proposed flats would comply with the requirements of all the relevant Lifetime Homes Standards as stipulated in the Council's Supplementary Planning Document 'Accessible Home'. Level threshold entry to the block would be provided and a communal lift will be provided to serve the first floor of the development. A disabled parking space is also provided at the front of the building which would be in easy reach of the entrance to the building. The proposed development is considered to be acceptable and would be in accordance with saved policy C16 of the UDP and Policy 3A.5 of the London Plan and the Council's Supplementary Planning Document 'Accessible Homes'.

7) Parking Standards

The Council's maximum parking standards attached at Schedule 5 of Policy T13 would be 8 maximum. The proposed development seeks to provide 6 car parking spaces on the site, which would be in accordance with the Council's maximum parking standards.

In addition to the above, West End Lane and the surrounding roads are resident permit restricted and therefore there are parking measures in place to control kerb side parking. The Council's Highway Engineer raises no objection to the number of parking spaces proposed and does not consider that the number of cars coming to and leaving the site would generate additional traffic, taking into account that the existing D1 use would be more likely to generate more traffic. In addition to this, there are traffic calming measures in place along West End Lane, which would help mitigate any harm on highway safety. It is considered that a refusal on the grounds of highway safety and parking cannot be justified in this case.

8) S17 Crime & Disorder Act

The proposed development has taken into account the security issues raised under the previous application (P/0704/09). The front entrance would be located on the main façade of the building and it would therefore be naturally overlooked by passer-bys. A gated entrance is also proposed for the proposed rear car parking (details of which can be controlled by condition), which is considered to be acceptable. The proposed layout of the development would ensure natural surveillance of the property is maintained, which will comply with the objectives set out under paragraphs 4.19 and 4.20 of saved policy D4 of the Harrow UDP. It is considered that the proposed development would not have a material impact upon community protection.

9) Consultation Responses

- Matters relating to the overlooking of the school has been addressed under section 4 of the above appraisal;
- The principle of a flatted development is not considered to be objectionable in this case, Policy 3A.5 of the London Plan sets out the need for housing choice and states that new developments should offer a range of housing choices, in terms of mix of housing sizes and types. A reason for refusal on grounds of a flatted development in this location cannot therefore be justified in this case;
- The proposed design, layout and character and appearance of the proposed development has been addressed under section 3 of the above appraisal;
- Impact on traffic and highway safety have been addressed under section 7 of the above appraisal – the Council's Highway Engineer raises no objections to the proposed vehicular access or the parking arrangement at the rear;
- Impact on neighbouring residential amenity and the amenity of future occupiers has been addressed under section 4 of the above appraisal;
- Impact on trees has been addressed under section 5 of the above appraisal;
- Application site is not located in an site Archaeological Priority Area and therefore an assessment of such is not required in this case;
- Impact on local infrastructure i.e. foul drainage, water supplies and surface water drainage. The Council's Drainage Engineer has raised no objection to the proposal subject to conditions requiring details of sewage and surface water drainage to be first submitted to the LPA. Impact on water supply is outside the consideration of planning policy.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above:

This application is recommended for grant.

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

a: the extension / building(s)

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality.

3 Notwithstanding the details shown on approved drawings, full details including metric scaled elevations and samples of materials proposed for the bin enclosure shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority before the commencement of the development. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

4 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the site, which should include the planting of a native hedge at the front and along the northern site of the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

5 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 building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 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 a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

6 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved Tree Report TC1-38-2289 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected.

7 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment, including pedestrian and vehicular access gates to be erected along all site boundaries has been submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be completed before the building is occupied. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality.

8 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

9 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

10 The development hereby permitted shall not be occupied until there has been submitted to and approved by the local planning authority the proposed measures to be put in place for the erection of privacy screening for the ground floor flats at the rear. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason: To safeguard the residential amenities of the future occupiers of the ground floor flats.

11 The existing access shall be closed when the new access hereby permitted is brought into use, and the highway shall be reinstated in accordance with details to be submitted to, and approved by, the local planning authority. The development shall not be used or occupied until the reinstatement works have been completed in accordance with the approved details. The works shall thereafter be retained.

REASON: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

12 The proposed parking space(s) shall be used only for the parking of private motor vehicles in connection with the development hereby permitted and for no other purpose.

REASON: To ensure that the parking provision is available for use by the occupants of the site and in accordance with the Council's parking standards.

13 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

Please note: guidance on permeable paving has now been published by the Environment Agency on

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

14 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

15 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

16 The development of any buildings hereby permitted shall not be commenced until surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding.

17 Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. all main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';
2. 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, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy D4 of the Harrow Unitary Development Plan, and Section 17 of the Crime & Disorder Act 1998.

INFORMATIVES

1 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

2 INFORMATIVE:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB
Please quote **Product code**: 02 BR 00862 when ordering

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

3 INFORMATIVE:

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

4 The applicant is advised that it would be appropriate to liaise with the Planning Arboricultural Officer before the submission of the tree protection plan and during the construction of the development for further advice.

Plan Nos. 2494 – SK1; 01; 03 REV A; 04; 202 REV A; 204 REV A; 205 REV C; 206 REV B; Design and Access Statement; Tree Report

HATCH END HIGH SCHOOL **Item: 2/13**
HEADSTONE LANE HARROW HA3 6NR **P/2159/09/AJ/C**

Ward HATCH END
TEMPORARY MODULAR BUILDING (3 YEARS) TO PROVIDE TEACHING SPACE FOR
ADDITIONAL PUPILS

Applicant: HARROW COUNCIL
Agent: LOM
Statutory Expiry Date: | 27-NOV-09

RECOMMENDATION

Under Regulation 3 of The Town and Country Planning General Regulations 1992, GRANT permission for development described in the application and submitted plans, subject to conditions.

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is LB Harrow and the land at Hatch End High School is owned by LB Harrow.

REASON

The decision to GRANT permission has been taken having regard to the saved policies and proposals of the Harrow Unitary Development Plan 2004, and the London Plan 2008 set out below, and to all relevant material considerations to provide an appropriate form of development, taking into account of the need to provide additional educational facilities and maximising the usage of educational land, without impinging upon the amenity of the neighbouring occupiers, in accordance with saved Policies C7, D4, D5, EP25, T6 and T13 of the HUDP (2004) and Policies 3A.24, 4B.1 and 4B.5 of the London Plan (2008).

The proposal contributes toward key themes of Harrow's Sustainable Community Strategy [Mar 09]. The Community Strategy sets out a vision for the Borough to 2020. One of the key themes of the Community Strategy is 'Every Harrow Child'.

London Plan:

3A.24 – Educational Facilities
4B.1 – Design principles for a compact city
4B.5 – Creating an inclusive environment

Harrow Unitary Development Plan:

C7 – New Educational Facilities
C16 – Access to Buildings and Public Spaces
D4 – The Standard of Design and Layout
D5 – New Residential Development – Amenity Space and Privacy
EP25 - Noise
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards

The Vision states:

'Harrow will be a place where children and young people are healthy and safe and stay healthy and safe, where they are encouraged and helped to enjoy living, learning playing and growing and to achieve while doing so, where they can make a positive contribution to their own futures and to the future of their borough and the community generally, and where they can successfully prepare for and engage in activities to enjoy economic wellbeing.'

This Vision identifies the importance of the development of children and young people in the Borough, to ensure they have access to education opportunities and are healthy and safe as well as promoting social opportunities. The proposal for temporary classroom accommodation supports this Vision.

MAIN CONSIDERATIONS (Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 11)

- 1) Character and Appearance of the Area (4B.1; C7, D4, SPD)
- 2) Residential Amenity (D5, EP25)
- 3) Accessibility, Traffic and Parking (C16, T6 and T13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type: Minor Development: All Other
Council Interest: Council Owned School

b) Site Description

- The site is surrounded by houses on three sides, with Tillotson Road to the north, Courtenay Avenue to the east, and Headstone Lane to the west. Shaftsbury School is located to the south side of the site.
- The school is made up of a number of buildings 1-3 storeys in height, located around the north, east and west of the site. Two theatre buildings are located to the south of the site.
- The most recent additions to the site are the new sixth form centre and extensions to the Great Hall which were granted permission under planning application P/1305/08/CFU.
- Access to the site is from Headstone Lane and car parking is to the west of the site.
- The sites boundary consists of a wire perimeter fence which is approximately 2m tall.

c) Proposal Details

- The proposal is for the construction of a single storey rectangular building which would provide additional teaching space.
- The building would have a maximum height of 4.1m and would be located in the north east corner of the site, behind two existing temporary teaching buildings.
- The new building would have a floor area of 707.85m².
- The rectangular building would be 36.3m wide and 19.5m deep.

Item 2/13 : P/2159/09/AJ/C continued/...

- The proposal would be set 5m away from the existing boundary fence along the site's north eastern edge.
- The proposal would also be set away approximately 33m from the site's northern boundary.
- The building's main entrance would be on the south elevation and would feature an access ramp and canopy (canopy area 2.5m²)
- The building would have a fire escape and stairs on its northern elevation.
- The proposal would be located approximately 25.8m away from the main rear wall of the nearest residential building on Courtenay Avenue.
- The plans indicate that the proposal would be screened from neighbouring properties by soft landscaping.

d) Relevant History

WEST/1234/02	Construction of a linked building to provide theatre workshop.	GRANTED 13-FEB-03
P/1305/08/CFU	Construction of a two-storey sixth form centre to provide classrooms, I.T. units, and a dining/social area, and an extension to the great hall to provide additional dance/drama facilities.	GRANTED 01-JAN-08
P/0483/09	Provision of a new indoor swimming pool to replace existing outdoor pool.	GRANTED 01-MAY-09

e) Pre-Application Discussion

- Yes

f) Applicant Statement

- See Design and Access Statement

g) Consultations

131 – 165 Courtenay Avenue (odd numbers)

26 – 48 Tillotson Road (even numbers)

Site Notice: General Notification Expiry: 09-NOV-09

Notifications:
Sent: 32 Replies: 2 Expiry: 09-NOV-09

Summary of Responses:

- Concerns regarding the duration of the temporary structure's permission.
- Concerns regarding the boundary and whether the planted screening would be effective.
- Concerns regarding increased littering as a result of activities occurring close to the boundary fence.
- Concerns as to whether the area would be secure out of school hours.
- Concerns regarding potential overlooking of neighbouring properties.
- Concerns regarding how the sinks and waste outlets will be dealt with.

APPRAISAL

1) Character and Appearance of the Area

The proposed single storey building would be located in close proximity to the existing single storey teaching buildings to the west, and would match the general contemporary character and design of the school facility.

The proposed building's single storey design would limit its visibility to the outside of the site.

The proposal will improve and extend the existing on site educational facilities.

The proposal would be in accordance with saved policies D4 and C7 of the Harrow Unitary Development Plan 2004

2) Residential Amenity

The proposed outbuilding would be located at least 25m from the main rear elevations of the nearest residential properties which are on Courtenay Avenue. Furthermore, the plans indicate that there would be an element of landscaping to provide screening. Taking these factors into account, it is considered that there would be no detrimental impact on the visual amenity or additional significant noise disturbance to any of the neighbouring residential properties, in accordance with saved policies D5 and EP25 of the Harrow Unitary Development Plan 2004.

It is noted in the comments received that there are concerns regarding whether or not the screening would be adequate or whether there would be potential overlooking. Considering the proposals single storey nature and the amount of separation between the proposal and the rear of the nearest dwelling houses, it is considered that the proposal would not result in overlooking, be overbearing or visually intrusive. However, with regard to the effectiveness of the proposed soft landscaped screening, a condition has been attached stating that the existing wire perimeter fencing adjacent to the proposal should be replaced with 2m close boarded fencing, to improve the proposed level of screening.

A condition is also attached to limit the duration of the temporary planning permission to three years.

3) Accessibility, Traffic and Parking

It is considered that the development would be close to good public transport links and as such the proposal would not have a detrimental impact on the internal and external traffic movements in the site and would be consistent with the objectives of saved policies T6 and T13 of the HUDP.

Being a public building, an integral part of the design and layout of the site centres on the requirements and objectives of easy mobility for all. As such, it is considered that the proposal makes adequate provision for access in this respect and would be consistent with saved policy C16 of the HUDP and Supplementary Planning Document: Access For All (2006).

4) S17 Crime & Disorder Act

The proposal would not have an impact with regard to the above Act.

5) Consultation Responses

The comments received have been addressed above. Furthermore, it is considered that the proposal would be subjected to the same security measures as the rest of the existing site. The school is responsible to ensure that littering does not occur on site. The sinks and toilet provision on site is an issue which relates to Building Control and Environmental Health during the construction process.

CONCLUSION

The application, if granted, would result in a temporary teaching building, which is required to adequately provide for the projected increase in pupils in Year 7. For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant, subject to the following condition (s)

1 The building hereby permitted shall be removed and the land restored to its former condition within 3 years of the date of this permission, in accordance with a scheme of work submitted to, and approved by, the local planning authority.

REASON: To safeguard the amenity of neighbouring residents and to permit reconsideration in the light of circumstances then prevailing.

2 The existing wire perimeter fencing adjacent to the proposed temporary modular building shall be replaced by 2m high close boarded fencing before the commencement of the use of the temporary modular buildings hereby approved.

REASON: To protect the residential amenities of neighbouring properties.

INFORMATIVES

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION -
HOUSEHOLDER APPLICATION:

The decision to grant planning permission has been taken having regard to the policies and proposals in the Harrow Unitary Development Plan set out below, and to all relevant material considerations, including any comments received in response to publicity and consultation, as outlined in the application report:

Harrow Unitary Development Plan:

C7 – New Educational Facilities

C16 – Access to Buildings and Public Spaces

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

EP25 - Noise

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

London Plan:

3A.24 – Educational Facilities

4B.1 – Design principles for a compact city

4B.5 – Creating an inclusive environment

2 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 INFORMATIVE:

The applicant is reminded of the duties set out in the Disability Discrimination Act 1995 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

Plan Nos. Design and Access Statement, Geo-Environmental Desk Study, 1000D-31-M2-01 REV B, 1000D-24-M1-01 REV E, 1000D-21-GE-02 REV D (SITE PLAN), 1000D-21-GE-01 REV A (LOCATION PLAN), 1000D-00-M1-01 REV A, 1000D-01-M1-01 REV A and TREE SCHEDULE.

Item: 2/14

**SHAFTESBURY SCHOOL, LONG ELMES, P/2160/09/AJ/C
HARROW WEALD, HA3 6LE**

Ward HATCH END

TEMPORARY MODULAR BUILDING TO PROVIDE TEACHING SPACE FOR ADDITIONAL PUPILS AND DEMOLITION OF TWO EXISTING TEMPORARY BUILDINGS; NEW ELECTRICITY SUBSTATION; THREE NEW CAR PARKING SPACES

Applicant: HARROW COUNCIL

Agent: LOM

Statutory Expiry Date: | 27-NOV-09

RECOMMENDATION

Under Regulation 3 of The Town and Country Planning General Regulations 1992, GRANT permission for development described in the application and submitted plans, subject to conditions.

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is LB Harrow and the land at Shaftesbury School is owned by LB Harrow.

REASON

The decision to GRANT permission has been taken having regard to the saved policies and proposals of the Harrow Unitary Development Plan 2004, and the London Plan 2008 set out below, and to all relevant material considerations to provide an appropriate form of development, taking into account of the need to provide additional educational facilities and maximising the usage of educational land, without impinging upon the amenity of the neighbouring occupiers, in accordance with saved Policies C7, D4, D5, EP25, T6 and T13 of the HUDP (2004) and Policies 3A.24, 4B.1 and 4B.5 of the London Plan (2008).

The proposal contributes toward key themes of Harrow's Sustainable Community Strategy [Mar 09]. The Community Strategy sets out a vision for the Borough to 2020. One of the key themes of the Community Strategy is 'Every Harrow Child'. The Vision states:

'Harrow will be a place where children and young people are healthy and safe and stay healthy and safe, where they are encouraged and helped to enjoy living, learning playing and growing and to achieve while doing so, where they can make a positive contribution to their own futures and to the future of their borough and the community generally, and where they can successfully prepare for and engage in activities to enjoy economic wellbeing.'

This Vision identifies the importance of the development of children and young people in the Borough, to ensure they have access to education opportunities and are healthy and safe as well as promoting social opportunities. The proposal for temporary classroom accommodation supports this Vision.

London Plan:

3A.24 – Education Facilities

4B.1 – Design principles for a compact city

4B.5 – Creating an inclusive environment

Harrow Unitary Development Plan

C7 – New Educational Facilities

C16 – Access to Buildings and Public Spaces

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

EP25 - Noise

T6 - The Transport Impact of Development Proposals

T13 – Parking Standards

MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008 and saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance)

- 1) Character and Appearance of the Area (4B.1; C7 and D4)
- 2) Residential Amenity (D5)
- 3) Access for All (C16)
- 4) Traffic and Parking (T6, T13)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type: Minor Development: All Other

Council Interest: Council Owned School

b) Site Description

- The site is enclosed by residential properties to the south and west, Hatch End High School to the north and Chantry First and Middle School to the east.
- Main pedestrian and vehicle access is located via an access road from Headstone Lane.
- The original school is single storey and was built in the 1940's and since then has had various extensions and alterations over the years.
- Hard surfaced games courts are located to the south of the site. A swimming pool is located to the north.

c) Proposal Details

- There are three parts to the proposal.

Two temporary modular buildings to provide additional teaching and pupil support facilities.

- The demolition of the two existing modular buildings.

- Construction of two replacement rectangular temporary modular buildings which would be located to the east of the site, to the north of the on-site Science/Design Technology building and Dining/Kitchen, and to the south of the car park.
- The proposed modular buildings would be single storey with a flat roof which would have both stepped access and access ramps. The proposed building adjoining the car park would feature a front canopy on the main entrance. The canopy would have a maximum height of 3.2m and cover an area of 14.92m².
- The buildings would have a maximum height of approximately 4.2m.
- The building to the east, labelled on plan as EBD would be approximately 9m wide and approximately 13.5m deep (covering an area of 121.5m²)
- The building to the west, labelled on plan as POST 16, would have a width of approximately 14.5m and a depth of approximately 9.5m (covering an area of 137.75m²).
- The proposed buildings would be located approximately 81m from the main rear elevation of the nearest dwellinghouses, which are on Courtney Avenue.

New Electricity Sub-Station

- The proposed sub-station would be located to the east of the car park on what is currently vacant and open green space. The proposal would be approximately 57.45m from the main rear wall of the nearest residential dwellinghouse's which are located on Courtney Avenue.
- The proposed substation would be a single storey building, with a rectangular, with a dual pitched roof.
- The substation would have an eaves height of 2.5m and a ridge height of 3.75m.
- The substation would have a width of 4m and a depth of 6m (covering an area of 24m²)

Parking

- The proposed three parking spaces would be located to the south of the on-site swimming pool and to the north of the on site Hall.
- The parking spaces would be placed in a row, adjoining the south side of an on-site green

d) Relevant History

WEST/231/96/L A3	ALTERATIONS TO ACCESS AND ADDITIONAL PARKING AND BIN STORE	GRANTED 08-JUL-96
P/378/03/CLA	PROVISION OF MOBILE HOME TO BE USED FOR TEACHING PURPOSES	GRANTED 03-JUN-03
P/3004/07	SINGLE STOREY EXTENSION ON SOUTH ELEVATION	GRANTED 23-NOV-07
P/3345/08	CONSERVATORY WITH PATIO ATTACHED TO STAFFROOM	GRANTED 07-JUL-09

e) Pre-Application Discussion

- Yes

f) Applicant Statement

- See Design and Access Statement

g) Consultations:

Consulted – 55 – 85 Courtenay Avenue (odd numbers)

207 – 219 Long Elmes (odd numbers)

Mrs A Swinson

Notifications:

Site Notice

General Notification

Expiry: 06-NOV-09

Notifications:

Sent: 30

Replies: 0

Expiry: 09-NOV-09

Summary of Responses:

N/A

APPRAISAL

1) Character and Appearance of the Area

Saved Policy D4 of the Unitary Development Plan (2004), states that all development should have regard to the scale and character of the surrounding environment. The proposed buildings and sub station would both be single storey, and would match the character of the surrounding school buildings, as well as being significantly separated from the neighbouring properties, as to restrict their visibility from the outside of the site.

The proposed additional three parking spaces, would be located near the existing car park areas within the site and would be considered acceptable.

2) Residential Amenity

The proposals are significantly separated from the nearest residential properties (Courtenay Avenue), and are single storey buildings and three additional parking spaces. By reason of the siting of the proposals and their design, it is considered that the proposal would not cause undue detriment to the residential amenities of surrounding properties, in accordance with saved policy D5 of the Harrow Unitary Development Plan 2004.

3) Access for All

The proposed buildings would have satisfactory access in terms of a disabled ramp, and therefore would be consistent with saved policy C16 of the Harrow Unitary Development Plan 2004.

4) Parking and Traffic

The proposals are considered not to be likely to attract significant levels of additional traffic which would give rise to parking issues.

The proposal also includes the addition of three parking spaces near the existing car park.

The site is well served by public transport (bus), and the proposals are considered to be in accordance with saved policies T6 and T13 of the Harrow Unitary Development Plan 2004.

5) S17 Crime & Disorder Act

The proposal would not have an impact with regard to the above Act.

6) Consultation Responses

N/A

CONCLUSION

This application forms an small but important part of the Council's wider school refurbishment programme and would allow for an additional school capacity for year 7 pupils. The proposed buildings would be acceptable on a temporary basis (3 years) and would by virtue of their size design and location within this school site not have an adverse impact upon the residential amenities of the locality. For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant, subject to the following condition(s).

CONDITIONS

1 The building hereby permitted shall be removed and the land restored to its former condition within 3 years of the date of this permission, in accordance with a scheme of work submitted to, and approved by, the local planning authority.

REASON: To safeguard the amenity of neighbouring residents and to permit reconsideration in the light of circumstances then prevailing.

INFORMATIVES

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION -
HOUSEHOLDER APPLICATION:

The decision to grant planning permission has been taken having regard to the policies and proposals in the Harrow Unitary Development Plan set out below, and to all relevant material considerations, including any comments received in response to publicity and consultation, as outlined in the application report:

Harrow Unitary Development Plan: C7, C16, D4, D5, T6, and T13

London Plan: 3A.24, 4B.1 and 4B.5

2 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 INFORMATIVE:

The applicant is reminded of the duties set out in the Disability Discrimination Act 1995 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments

Plan Nos: 1000H-00-M1-01 Rev A, 1000H-01-M1-01 Rev A, 1000H-21-GE-01 Rev B, 1000H-24-M1-01 Rev E, 1000H-31-M1-01 Rev B, Tree (rpa) Schedule and Design & Access Statement.

73 WEST END AVENUE, PINNER, HA5 1BN

Item: 2/15

P/3084/08/SB5/W

Ward: PINNER

CONTINUED USE OF BUILDING AS FOUR SELF-CONTAINED FLATS INCLUDING SIDE AND REAR EXTENSIONS, REAR DORMER, ROOFLIGHTS, BALCONY SCREEN AND REFUSE STORAGE AREA; AND LANDSCAPING, PROPOSED WIDENED VEHICLE ACCESS; EXTERNAL ALTERATIONS

Applicant: Mr Adekoyejo Oduniya

Statutory Expiry Date: 22-OCT-09

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans.

REASON

It is considered that the revised proposal has shown to overcome the previous reasons for refusal. The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and the saved policies of the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

London Plan:

4B.1 – Design Principles for a Compact City
3A.1 - Increasing London's Supply of Housing
3A.2 - Borough Housing Targets
3A.4 - Efficient Use of Stock
3A.5 - Housing choice
London Plan Draft Housing Design Guide (2009)

Harrow Unitary Development Plan:

D4 The Standard of Design and Layout
D5 New Residential Development – Amenity Space and Privacy
D9 Streetside Greenness and Forecourt Greenery
D10 Trees and New Development
T13 Parking Standards
H10 Maintenance and Improvement to Existing Housing Stock

Planning Policy Statement 3: Housing

Supplementary Planning Guidance, Extensions; A Householders Guide (2008)

Supplementary Planning Guidance, Designing New Development (2003)

Supplementary Planning Document 'Accessible Homes'" (2006)

MAIN CONSIDERATIONS AND POLICIES (London Plan 2008 and saved policies of the Harrow UDP 2004 and any other relevant guidance)

- 1) Principle of Development (PPS :3, London Plan: 3A.1, 3A.2, 3A.4, 3A.5)
- 2) Character and Appearance of Area (D4, D9, SPG; London Plan 4B.1)
- 3) Residential Amenity (D4, D5, EP25, SPG)
- 4) Accessibility (London Plan Policy 3A.5, SPD)
- 5) Parking Standards/Highway Safety (T13)
- 6) S17 Crime & Disorder Act (D4)

7) Consultation Responses

INFORMATION

This application is reported to the Planning Committee at the request of a Nominated Member.

a) Summary

Statutory Return Type:	Minor Dwellings	
Car Parking	Standard	5.4
	Justified	4
	Provided	3
Lifetime Homes:	2	
Council Interest:	None	

b) Site Description

- Two storey detached property located on a prominent corner junction on the eastern side of West End Avenue;
- The property previously comprised 2 flats, the property has now been converted into 4 flats, which was granted planning permission under P/1351/06 and was subject to a number of pre-commencement planning conditions;
- The applicant commenced development without discharging the planning conditions relating to P/1351/06;
- Prior to the conversion of the property into four flats, the property had an existing two storey rear extension and an external staircase leading to the first floor flat;
- As part of the conversion works, a further single storey side and rear extension has been added which has a roof terrace and a rear dormer;
- In addition to the above works some minor alterations have been carried out to the roof slopes, which did not form part of the original approval under P/1351/06;
- The roof terrace balcony screening has been constructed using white Acyclic panels;
- The front boundary is characterised by a low hedgerow with picket fencing fronting the streetscene;
- The side boundary is characterised by a hedgerow;
- The front and side gardens are open in the streetscene and have a mixture of soft and hard landscape materials – the parking area located directly in front of the property is laid to gravel;
- The off street parking is access from the existing vehicular access located adjacent to the site boundary with No.71 West End Avenue;
- Character of the area is predominately detached dwellings and pairs of semi-detached purpose built maisonettes.

c) Proposal Details

- The proposal is for the continued use of the property as four self-contained flats with garden arrangements that differ from that approved under permission P/1351/06/DFU and the retention of the single storey side to rear extension, rear dormer, roof lights and external alterations to the roof and alterations to materials of balcony balustrade;

- The property comprises of 3 x 2 bedroom flats and 1 x 1 bedroom flat;
- The two ground floor flats have access to a private garden. One first floor flat has access to a roof terrace and the other first floor flat has no garden
- The proposal also seeks retrospective planning permission for the landscape works carried out for the front garden and refuse storage;
- The applicant is also seeking planning permission for the widening of the existing vehicular crossover from 3.2 metres to 5.4 metres in order to facilitate a further off street parking. The application site can at present accommodate 2 cars comfortably.
- Balcony balustrade materials would be changed from the current opaque acrylic to a clear screen, the existing acrylic opaque privacy screen facing no. 71 would be replaced with a 2.8m high obscured glazed screen

Revisions to Previous Application:

- n/a

d) Relevant History

HAR/20026/C	Convert to 2 self/con flats (revised)	GRANTED 06-MAY-63
LBH/3633	Extension to bedroom on ground floor	GRANTED 04-SEP-68
LBH/3633/2	Alterations to roof and erection of first floor extension to rear of dwellinghouse	GRANTED 14-MAY-76
LBH/20254	External spiral staircase at side	GRANTED 16-OCT-81
P/1351/06/DFU	Rear dormer; rooflights; single storey side and rear extensions and creation of balcony over at first floor level; alterations; conversion from two to four self-contained flats (resident parking restricted)	GRANTED 18-JUL-06
P/0955/07	Details of appearance of privacy screen and front elevation, lifetime homes standards, disabled access and landscaping details including refuse storage pursuant to conditions 3, 4, 5, and 6 of planning permission p/1351/06/dfu for conversion from two to four self-contained flats granted on 18/7/2006	REFUSED 05-DEC-07

Reasons for Refusal:

1. The proposed details relating to the rear privacy screen fail to demonstrate the finished appearance of the screen and therefore in the absence of such information it would fail to protect the amenity of neighbouring occupiers, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004).
2. The details submitted in relation to the 'Lifetime Homes Standards' (Conditions 4 and 6) and the details relating to the access to, and egress from, the building (Condition 5) are unsatisfactory/ inadequate and fail to comply with all 16 of the Lifetime Homes standards, contrary to London Plan Policy 3A.4 and the Supplementary Planning Document 'Accessible Homes' (2006).

3. The proposed landscaping scheme (Condition 6) by reason of excessive hardsurfacing and the use of unsatisfactory materials and failure to show space for the storage of refuse and recycling waste for all four flats, would fail to enhance the appearance of the development or the character of the area contrary to policies D4 and D9 of the Harrow Unitary Development Plan (2004)

e) Pre-Application Discussion

None

f) Applicant Statement

- This application is supported by a Design and Access statement, which is summarised below:
 - Proposal is for the retention of the conversion of building as four self-contained flats;
 - Proposal very similar to the initial granted planning permission (P/1351/06)
 - Development provides for refuse storage area;
 - Site comprises rear garden to be shared by both ground floor occupants and a balcony space for top floor occupants;
 - This building enhances its setting in the street scene;
 - Internal layout of the building is orientated with the lounge overlooking the enclosed rear garden;
 - No direct overlooking of the neighbouring properties from either of the flats or nearby building;
 - Development has been designed to ensure each flat has sufficient amenity space;
 - Modest size and nature of the development means that there are no complicated access considerations to take into account;
 - Building has a ramped wide entrance doorway to provide for wheelchair access to the property;
 - Similarly internal doorway widths also allow for internal disabled access to one of the ground floor flats;
 - Retention of the development would satisfy the policy requirements of the Unitary Development Plan;
 - Would comprise a modest non-intrusive type of useful and sustainable development that would complement the form, design and appearance of the existing building and the locality in general.

g) Consultations

The Pinner Association:

We have strong concerns about the appearance of this building, particularly in relation to the balcony screen at first floor level. We understand that the applicants do have consent for a screen and are now proposing to vary the existing very ugly screen whose materials have not been approved. However we still have concerns over the proposed replacement.

It appears from the submitted plans that the new screen is to be 1.8metres high. We do not know if this was the height previously approved or not. The plan of the proposed front elevation seems to show a screen much lower than this. The screen is in a very prominent position and its height should be kept as low as possible.

The new screen is proposed to be “transparent”, “translucent” or “clear” depending upon which plan one reads. We would suggest that in both the interest of privacy of the occupier and of the streetscene that the screen material should be opaque and of a colour to blend in with the surrounding brickwork. The current new proposals would just create a different form of incongruity from that we suffer at present.

Vehicle Crossing Officer: No objection

Notifications:

Sent: 34

Replies: 9

Expiry: 17-SEP-09

List of Neighbours Consulted:

5, 7, 9, 11, 13, 15, 17, 19, 67, 69, 71, 73A, 73B, 73C, 73D, 77, 79 and 81 West End Avenue

6, 8, 10, 12, 14, 16, 18, 20, 52, 54, 56, 58, 60, 62 and 64 West End Avenue

Applehurst West End Avenue

Summary of Responses:

- The balcony screen materials and colour used is blot on the landscape – plastic translucent panels which should not have been approved;
- Position of 11/12 bins for four flats;
- Neither balcony screen or current position of refuse bins fits in with character of the property and local area;
- Terms of original permission P/1351/06/DFU not met;
- Granting retrospective planning permission makes a mockery of the system;
- Property should be improved in appearance;
- Balcony should be replaced with traditional materials;
- Wheelie bins are unsightly – some purpose built storage area should be built;
- Parking area at front consists of unsightly shingle;
- If vehicle access is widened any further there would in effect be an open car park – utterly out of character;
- Brick up is bodged and jerry built – should not have been passed by building inspectors;
- Not enough parking on street;
- Residents park on blind corner – make it difficult to reverse out of drive;
- Increase in traffic is reaching dangerous levels.

APPRAISAL

1) Principle of Development

This application follows on from a scheme which was granted planning permission under P/1351/06. However, as the applicant commenced development before discharging the pre-commencement planning conditions attached to P/1351/06, the original planning permission has fallen away. The applicant in order to resolve this matter is now seeking retrospective planning permission for the development which has been carried out on site. The principle to convert the property from two flats to four flats has already been set by the approval of the previous permission P/1351/06. It is therefore considered that the principle to the development is acceptable in this case. Furthermore, national and Local planning policies seek to maximise the potential use of scarce land to provide future housing needs. Therefore development would be in accordance with the Landon Plan policies 34.1 and 3A.3.

2) Character and Appearance of Area
Standard of layout Design and Layout

As discussed above this application follows on from a previous approval P/1351/06. For the purposes of this application, the impact of the single storey side to rear extension, the rear dormer and rooflights on the character and appearance of the area has already been addressed under P/1351/06. These aspects of the development have been built in accordance with the plans that were approved under P/1351/06. It is therefore considered that these aspects of the development carried out are acceptable and are in accordance with the guidance set out in the Council's Supplementary Planning Guidance on Householder Extensions.

It is however noted that the applicant has undertaken some external alterations to the northern and front roof slopes of the property, to gain sufficient internal ceiling height. These external alterations have been carried out in materials matching the rest of the roof. It is considered that the roof alterations do not appear unduly obtrusive or have a detrimental impact on the character and appearance of the original property and are therefore considered to be acceptable.

At present the balcony balustrade is constructed of white Acrylic panels. It is considered that the white panels in-situ make the balcony screening appear visually obtrusive and bulky in the streetscene. The applicant is proposing to replace these white panels with clear panels and is also seeking to replace the existing acrylic privacy screen facing no. 71 with a 1.8m high obscured glazed privacy screen. It is considered that the proposed materials for the balcony would be a marked improvement upon the existing situation. The proposed balcony screen would appear lightweight against the brickwork of the property and would appear as a modern designed feature against the original property instead of the existing box like construction. It is considered that subject to a suitably worded condition requiring the new balcony screening to be in place within a specified timescale, the proposed balcony modifications are acceptable.

Conversion of Buildings to Flats

The principle to convert the property into 4 four flats has already been agreed by the approval of planning permission P/1351/06. The internal layout and the size of the flats match that approved under P/1351/06. It is noted that there is a conflict between the vertical stacking between the ground and first floor flat in that there is a living room sited directly above the bedroom of the ground floor flat. However, the original planning application was approved on this basis and the flats are all occupied at present. It is considered that a refusal on grounds of unsatisfactory internal layout cannot be justified in this case.

Landscaping

The soft and hard landscaped works that have been carried out on site are considered to be acceptable. The applicant has retained the hedgerow along the front and side boundaries and has undertaken soft landscape works in the front and side gardens. The applicant has laid gravel down as a form of hardsurfacing to provide off-street parking. It is considered that the use of gravel, being a permeable material would be a more sympathetic choice of material in comparison to block paving. It is noted that along West End Avenue there is a mixture of types of forecourt treatments and in certain instances there is evidence of excessive hardsurfacing in front gardens.

It is considered that having regard to the character and appearance of the surrounding area, the landscape works in-situ do not have an adverse impact upon the suburban leafy green character of the locality.

Refuse Storage

The refuse storage for the development at present is sited adjacent to the hedgerow boundary shared with neighbouring dwelling No.71 West End Lane and therefore the refuse bins are visible in the streetscene in the approach from the corner bend of the highway. The applicant is proposing to re-site the refuse bins to the side of the property, which will minimise the impact of the refuse bins in the streetscene. A condition is suggested to ensure that the refuse storage is re-located in accordance with the agreed plans.

3) Residential Amenity For Future Occupiers of The Site

The two ground floor flats have direct access to the private rear garden and the first floor one bedroom flat has access to a private balcony. The level of amenity space provided for these units is considered to be acceptable and would be in accordance with the objectives set out under saved policy D5 of the Harrow UDP. However the fourth unit located on the first floor has no access to a private amenity space. In the original planning application granted P/1351/06, it was proposed to sub-divide the rear garden into 3 so that the two ground floor flats and one of the first floor flats had access to the rear garden (which was to be accessed from the side passageway located next to the boundary shared with No.71). The other first floor flat has access to a balcony.

It is acknowledged that one of the first floor flats now does not have access to a private amenity area. However, the application site benefits from a spacious side garden which forms a communal area which the occupiers of this first floor flat have access to. In addition to this, Pinner Memorial Park is within close walking distance of the application site. Although it is acknowledged that this may not be the ideal provision of amenity space for the first floor flat, on balance it is considered that a refusal on the grounds of lack of amenity space could not be justified in this case, given that the occupiers do have access to other forms of amenity space.

Impact on Existing Residential Amenity

The impact of the development on the surrounding residential amenity has already been assessed under the previous planning application P/1351/06. There are no significant changes in the scheme which has been constructed on site against what was approved under this previous application. It is therefore considered that there would be no unreasonable impact upon neighbouring residents.

4) Accessibility

A condition was attached to planning permission P/1351/06 requiring details to be first submitted to and approved by the local planning authority to show that one of the ground floor flats would be constructed to meet Lifetime Homes standards. The applicant has demonstrated that one of the ground floor flats has been constructed to meet Lifetime Homes standards. This includes a ramped entrance to the building, sufficient turning space for potential wheelchairs users and a spacious bathroom. The development is therefore considered to be acceptable in this regard.

5) Parking Standards/Highway Safety

The Council's maximum parking standards attached at Schedule 5 of Policy T13 would be 5.4. The development has the provision for 3 car parking spaces on the site, which would be in accordance with the Council's maximum parking standards. The applicant is also seeking planning permission to widened the existing vehicular access to allow comfortable access to all three parking spaces.

In addition to the above, West End Avenue and the surrounding roads are resident permit restricted and therefore there are parking measures in place to control kerb side parking. The Council's Highway Engineer raises no objection to the number of parking spaces provided. Notwithstanding this, an informative is attached informing the applicant that the occupiers of the development would be ineligible for resident parking permits in the surrounding controlled parking zone.

There are no objections to the increased width of crossover on highway grounds, as long as the width of the crossover does not exceed 5.4 metres as shown on the submitted drawings.

6) S17 Crime & Disorder Act

The layout of the development ensures natural surveillance of the property is maintained, which complies with the objectives set out under paragraphs 4.19 and 4.20 of Policy D4 of the Harrow UDP. It is considered that the development does not have a material impact upon community protection.

7) Consultation Responses

- Matters relating to the balcony and the materials used has been addressed under section 2 of the above appraisal;
- Matters relating to the position of the refuse storage and the landscape materials used in front garden has been addressed under section 2 of the above appraisal;
- Matters relating to traffic and highway safety under section 5 of the above appraisal;
- Issues regarding the brick up of the building being bodged - the extensions that have been constructed on site, have been constructed using matching materials to the existing building and therefore there are no concerns relating to the external appearance of the extensions (with the exception of the balcony). The technical built form is a matter for building control and it is outside the remit of planning policy.

CONCLUSION

This application to continue the use of the property as four flats with proposed alterations to the balcony materials is considered to represent a satisfactory form of development. The alteration to the balcony materials would ensure that this element of the development would appear acceptable and be in line with the original planning permission. The amendment to the position of the refuse storage out of the view of the streetscene would be an improvement. It is acknowledged that one of the first floor flats does not have access to a private amenity space.

However, on balance the provision of a communal space, supplemented by public open space in close proximity to the site, for use by the occupiers of this unit is an acceptable alternative arrangement.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above.

This application is recommended for grant.

CONDITIONS

1 The widening of the vehicle access hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The existing white acrylic panels and privacy screen shall be removed and replaced with the approved clear glazed panels and obscured glazed privacy screen as detailed on approved drawing Nos. 786931/ 311 Rev B and 786931/ 312 Rev A, within 1 month of the date of this decision and they shall thereafter be retained in that form.

REASON: To ensure the appearance of the balcony balustrade and privacy screen are improved to protect the character and appearance of the area and the amenities of the neighbouring occupiers as required by saved policies D4 and D5 of the Harrow Unitary Development Plan 2004.

3 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

INFORMATIVES

1 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

2 INFORMATIVE:

The relevant traffic order will impose a restriction making residential occupiers of this building ineligible for resident's parking permits in the surrounding controlled parking zone.

Plan Nos. 786931/112 (Site Plan); 100 REV D; 101 REV D; 102 REV D; 103 REV D; 110; 111; 112 (Proposed Second Floor Plan); 113; 299 (Site Plan); 301 REV B; 302 REV B; 309 (Site Plan); 311 REV B; 312 REV A; Design and Access Statement

**1 AND 1A SILVERDALE CLOSE, P/2230/09/EJ/W
NORTHOLT, UB5 4BL**

Ward ROXETH

CONTINUED USE OF THE GROUND FLOOR OF THE FORMER CHILDREN'S HOME (USE CLASS C2) AS A CONTACT CENTRE (USE CLASS D1); PROPOSED CHANGE OF USE OF FIRST FLOOR FROM CHILDREN'S HOME TO CHILDREN'S CENTRE (USE CLASS D1); SINGLE AND TWO STOREY FRONT, SIDE AND REAR EXTENSIONS AND CANOPY AT REAR AND EXTERNAL ALTERATIONS

Applicant: HARROW COUNCIL

Agent: DAVID KANN ASSOCIATES

Statutory Expiry Date: | 16-DEC-09

RECOMMENDATION

Under Regulation 3 of the Town and Country Planning General Regulations 1992, GRANT permission for the development described in the application and submitted plans, subject to conditions.

REASON

The decision to **GRANT** permission has been taken having regard to the policies and proposals in the London Plan (2008) and the saved policies of Harrow's Unitary Development Plan (2004) set out below, and to all relevant material considerations, to meet the Vision of the Council in maintaining high standards of community and childcare facilities, as detailed in Harrow's Sustainable Community Strategy (March 09), and any comments received in response to publicity and consultation, as outlined in the application report:

The London Plan (2008)

4B.1 Design Principles for a Compact City

4A.3 Sustainable Design and Construction

4B.5 Creating an Inclusive Environment

Harrow Unitary Development Plan (2004)

D4 The Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

T13 Parking Standards

C2 Provision of Social and Community Facilities

C8 Health Care and Social Services

C16 Access to Buildings and Public Spaces

Supplementary Planning Guidance, Extensions, A Householders Guide (2008)

Supplementary Planning Document: Access for All (2006)

Harrow's Sustainable Community Strategy (March 2009)

MAIN CONSIDERATIONS AND POLICIES London Plan (2008) and saved policies of the Harrow Unitary Development Plan (2004) and any other relevant guidance

1) Principle of Development (C2, C8 and Sustainable Community Strategy 2020)

2) Character and Appearance of the Area and Residential Amenity (D4, D5, D9 & SPG)

- 3) Accessibility (C16, 4B.5, Access for All SPD)
- 4) Waste/Refuse Storage
- 5) Traffic and Highway Safety/Parking
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type:	Minor – Other
Council Interest:	Owner
Car Parking	Standard: 2 Proposed: 3

b) Site Description

- The subject site is located on the south eastern side of Silverdale Close on a corner plot/bend in the road.
- The property contains a two storey detached building with a single storey wing to the eastern side (no. 1a)
- The ground floor of the building is currently used as a contact centre (Use Class D1) and a Children's Home which is currently vacant at first floor level (Use Class C2)
- The neighbouring properties to the north, no. 3, 5 and 7 Gaylor Road, are two storey terraced dwellings, the rear boundaries of these properties adjoin the northern side boundary of the subject site
- The property to the west, no's 2-7 Silverdale Close is a 3 storey building containing purpose built flats
- The surrounding area is characterised by purpose built flats and terraced dwellings.

c) Proposal Details

- Construction of two storey front side and rear extension
- The proposed two storey front extension would project 1.75m from the main front wall of the dwelling, it would have a width of 6.1m across the front of the building
- It would have a gable front roof over
- It would be located on the western side of the front elevation
- There would also be a single storey front porch projection which would project 2.1m forward of the proposed front extension (3.85m forward of the existing front building line). It would have a width of 3.6m and a hipped roof over with a height of 2.3m at the eaves and a maximum height of 3.65m
- The proposed two storey front elevation would wrap around to create a two storey side extension.
- The proposed two storey side extension would have a width of 1.5m and would extend from the main front wall of the building to the main rear wall of the building.
- It would have a hipped roof over
- The proposed two storey side extension would wrap around the rear to create a first floor rear element.

- It would have a depth of 1.5m from the main rear wall of the building and would create a canopy/overhang over the ground at the rear of the building
- There would be glazing on the front, side and rear elevations at ground and first floor level
- There would be one sun pipe on the southern side roofslope and two sun pipes and 12 rooflights on the rear roofslope.
- A canopy would be constructed to the rear of the single storey annex at no. 1a Silverdale Close. It would have a depth of 2.3m from the main rear wall of the dwelling and a width of 6m.
- It would have a mono pitched roof with a height of 2.3m at the eaves
- The existing windows to the rear elevation of the building would be replaced
- The existing lock up garage to the northern side of the single storey annexure building (1a Silverdale Close) would be converted to a storage facility, the existing garage door would be replaced with obscure glazed full width windows
- There would be a buggy store and a bin store located adjacent to the south western side boundary
- *Change of use*
- Continued use of the ground floor as a contact centre (Use Class D1)
- Change of use of first floor from Children's Residential Home (C2) to Children's Centre (Use Class D1)

Revisions to Current Application:

- None

d) Relevant History

LBH/22782	Single storey building to provide community home bed sit accommodation	GRANTED 08-MAR-83
WEST/395/95/LA3	Two storey front, side and rear extension, with external fire escape staircase to children's home	GRANTED 21-NOV-05
P/1968/05/DLA	Alterations to garage and continued use as part of home; decking at rear	GRANTED 27-SEP-05

e) Pre-Application Discussion

- None.

f) Applicant Statement

The contact centre is new and only opened recently

The works would significantly improve the use of the building and to introduce a new Children's Centre function within Harrow Council's overall programme for its Children's Services

The Contact Centre provides a venue for children in care to meet their natural parents, with attendance by their foster parents, contact supervisors, social workers and other professional staff from Harrow Council.

The Children's Centre provides facilities for advice to parents of pre-school children, including parenting skills, educational and health issues.

The proposed development, by reason of its layout, access and scale, would not be visually obtrusive nor out of character with the neighbouring properties, as it completely respects the scale and massing of those properties.

In consequence, the development is not detrimental to the visual amenities of the neighbouring residents and character of the area and not contrary to the Council's UDP.

g) Consultations:

- Highways Engineer: No objection
- Tree Officer: No objection
- Waste officer: Awaited
- London Borough of Ealing: awaited

Notifications:

Sent: 17

Replies: 1

Expiry: 30-NOV-09

Neighbours Consulted:-

2, 3, 4, 5, 6 and 7 Silverdale Close

1, 3, 5, 7, 9 and 11 Gaylor Road

232, 234, 236, 238 and 240 The Heights

24, 25, 26, 27, 28, 29, 20, 31 and 32 Hornbeam Close

Summary of Response:

I have no issues with the change of use of the property; object to the fact that car parking has not been taken into consideration; I arrived home yesterday at 4.25pm and there was 9 cars minimum belonging to people either visiting or working at the centre; perhaps with the redevelopment a car park for the home could be considered?

APPRAISAL

1) Principle of Development

Policy C2 of the UDP outlines that the council will encourage the retention of existing community facilities and seek the provision of new ones. The Council's preference is that existing facilities should be retained is in line with the Council's sustainability principles. As the existing children's home has been vacant for approximately two years and the children re-housed in a newly constructed Honey Pot Lane Children's Home, it is considered that there would be no unreasonable loss of a community facility and that the replacement of the previous children's home with a children's centre would improve community facilities in the area. Policy C8 states that the Council will seek to ensure that there are sufficient appropriate social care and healthcare facilities to cater for the needs of the communities. It is considered that the proposal to create a children's centre would support this policy and the Sustainable Community Strategy as a new community facility would be provided.

The proposal would meet many objectives of the Harrow Council's Sustainable Community Strategy. The Sustainable Community Strategy is a document which outlines a long term vision for the future of Harrow. Part of the 'Every Harrow Child' (part 7) vision is that Harrow will be a place where children and young people are healthy and safe and stay healthy and safe, proposed actions that include maximizing the use of children's centres. Part 9 'Health, Wellbeing and Independence' also outlines that social care users will have more choice over their care and will be supported and empowered to take control.

It is considered that the proposed Children's Centre would support this vision and would be acceptable in principle.

2) Character and Appearance of the Area and Residential Amenity

It is considered that the proposed two storey front side and rear extensions and the external alterations would not have a detrimental effect on the character and appearance of the surrounding area. The extensions would appear subordinate to the main building; the materials would match the existing building. The proposal would comply with the SPG and it would not have a detrimental impact on the character of the area and would comply with to Policy D4 of the UDP.

It is considered that the proposed extensions would not have an unreasonable effect on the residential amenity of the surrounding properties.

It is considered that the proposed two storey front side and rear extensions would not have an unreasonable effect on the neighbouring properties to the west, there would be a separation distance of 2.9m between the flank wall and the boundary and it is considered that due to this separation distance there would be no loss of light to the neighbouring building (purpose built flats) at no. 2-7 Silverdale Close. The proposed two storey rear projection would project approximately 1.5m rear of the main rear building line of the neighbouring building at no. 2-7 Silverdale Close. The two storey element would not interrupt the 45° splay (paragraph 3.14 of the SPG) when taken from the first floor rear corner of the neighbouring building and therefore it would not result in a loss of light to this property. It is considered that there would be no loss of privacy or overlooking to this neighbouring site, there would be one window at first floor level which would serve the proposed stairwell, as this is not a habitable room window it is considered there would be no unreasonable level of overlooking to the neighbouring property.

It is considered that the proposed two storey rear extension and canopy beneath the rear would not have an unreasonable effect on the dwellings to the rear at no's. 24 – 32 Hornbeam Close which are sited in the London Borough of Ealing. The proposed two storey rear element would project 1.5m from the main rear wall of the building and there would be a large separation distance of approximately 10m between the proposed extension and the rear boundaries of the adjoining sites, with a further 10m to the rear of the dwellings. There would be high level windows and rooflights on the proposed rear elevation of the building and it is considered that due to the separation distance, there would be no unreasonable loss of light or overlooking to the neighbouring dwellings at the rear.

It is considered that the proposed extensions would not have an unreasonable impact on the character and appearance of the area and would not result in the loss of residential amenity to any neighbouring properties and would comply with saved policies D4, D5 of the Harrow Unitary Development Plan and the SPG.

3) Accessibility

The entrance to the subject building would be flat and with a door width of 1m and a disabled WC would be provided at ground floor level. It is considered that the proposal would adequately address the needs of disabled people, parents with children, the elderly and other people with special needs and therefore would comply with saved policy C16 and Supplementary Planning Document "Access for All" (2006).

4) Waste/Refuse Storage

The site plan shows that a two large refuse bins would be located to the south western side of the site and would not be visible from the street scene. It is considered that the proposal would be satisfactory and would comply with saved policy D4 and that adequate provision has been made for refuse storage.

5) Traffic and Highway Safety/Parking

There is provision for three off-street parking spaces. Schedule 5 of saved UDP policy T13 stipulates that a maximum of 2 spaces are to be provided. Therefore there is an over-provision of one space. The application site is located in an area with a low public transport accessibility level, therefore it is considered, on balance that this extra space would be acceptable. There is also provision for parking on-street in the surrounding roads if required. The Council's Highways Engineer has assessed the application and has no objection to the scheme.

The applicant has shown that three of the five car parking spaces are capable of extending to a width of 3.3m to accommodate a disabled car parking space, one for each dwelling.

There are also public transport options available including the Northolt Underground Station (approx 1km), Northolt Park Overland Station (approx 800m) and several bus routes along Northolt Road.

6) S17 Crime & Disorder Act

The proposal is expected to not have any impact in relation to this legislation.

7) Consultation Responses

Parking issues are dealt with in section 3 of the report above.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, this application is recommended for grant, subject to the following condition(s):

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

REASON: To safeguard the appearance of the locality.

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3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s), other than those shown on approved plans shall be installed in the rear and side wall(s) of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

4 The premises shall be used for the purpose specified in the application and for no other purpose, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order, with or without modification).

REASON: To safeguard the amenity of neighbouring residents and in the interests of highway safety.

Plan Nos: KBM/SCC/10, KBM/SCC/11, KBM/SCC/12, KBM/SCC/13, KBM/SCC/14, KBM/SCC/15 and Design and Access Statement

**CHALLINER COURT, FERN COURT,
PRICE COURT & HINES COURT,
RICHARDS CLOSE, HARROW**

**Item: 2/17
P/2568/09/DC3**

Ward GREENHILL

APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION
REFERENCE: P/2843/08 FOR THE DEMOLITION OF 55 DWELLINGS AND
CONSTRUCTION OF 47 UNIT 'EXTRA CARE' SCHEME AND 29 FLATS,
LANDSCAPING AND WORKS

Applicants: Octavia Housing and Care & Harrow Churches Housing Association
Statutory Expiry Date: 07-DEC-09

RECOMMENDATION

That the application for non-material amendments to the development at Richards Close detailed in the plans and particulars contained in application ref: P/2568/09 be approved.

REASON

The proposed amendments would represent minor changes to the development approved under planning permission reference P/2843/08. It is considered that the changes would not result in any material harm to neighbouring amenity or the nature and character of the surrounding area. The decision to APPROVE the application has been taken having regard to the policies and proposals in The London Plan and/or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report.

Policies

Government Guidance:
PPS3 – Housing

London Plan Consolidated with Alterations since 2004:
4B.1 – Design principles for a compact city

Harrow Unitary Development Plan 2004:
D4 – The standard of design and layout
D5 – New residential development – amenity space and privacy

MAIN CONSIDERATIONS AND POLICIES (London Plan 2008 & HUDP 2004)

- 1) Policy Considerations (4B.1 & D4, D5)
- 2) Consideration of Non-Material Amendments (4B.1 & D4, D5)
- 3) Implications of Recommendation
- 4) Legal Comments
- 5) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type:	
Site Area:	0.62 ha
Density:	298 hrph 121dph
Council Interest:	None

b) Background

Full planning permission (ref: P/2843/08) was granted on 25 March 2009 for the demolition of 55 dwellings and construction of 47 extra care scheme and 29 flats, landscaping and works. The application was subject to a unilateral undertaking that required, inter alia, the demolition of the single storey bungalows in Beckett Fold within 10 years. The development commenced in spring 2009. During the course of the development, residents of Courtfield Crescent contacted the Council to complain about the scale and impact of the development and the way in which the application for planning permission had been processed. Specifically, residents in Courtfield Crescent expressed concern at the inappropriate scale of the development and particular concerns regarding overlooking of properties in Courtfield Crescent from the 4-storey element of the development, located nearby.

In association with the sites developers, the Council explored options to reduce overlooking of the homes in Courtfield Crescent from proposed balconies on the south west corner (closest to houses in Courtfield Crescent) at first, second and third floor levels. An independent investigation of the Councils processing of the application is also currently underway.

As a result of the concerns expressed by residents and at the request of the Council, the applicant now proposes to amend the design of the southwest corner of the building to re-locate the balconies from the corner of the building, adjacent to the garden of No 8 Courtfield Crescent, westwards so that they fall within the main building façade. The applicants have also sought to make a number of other detail changes to windows across the development, to increase the width of the openings and to introduce smoke vents into the west elevation, to meet the requirements of building regulations. In addition, the applicants are seeking to re-position the entrance lobby of the building more centrally in the south elevation of block B, adjacent to the properties in Beckett Fold.

The application for non-material amendment is made under section 96A of the Town and Country Planning Act (inserted by section 190 of the Planning Act 2008) and for the reasons set out below, all of the proposed changes are considered to represent acceptable non-material amendments to the development and the planning permission.

c) Site Description

The application site comprises the former sheltered accommodation located between Courtfield Crescent (and the complex known as Beckett Fold leading off Courtfield Crescent) in the south west, Hill Crescent to the east and to the rear of properties on Elmgrove Crescent to the north. To the south east, the site overlooks Council owned allotments, beyond which lie the rear gardens of properties on Grange Road.

The area is characterised by two storey semi-detached houses - in Courtfield Crescent, Richards Close and Elmgrove Crescent, single storey bungalows in Beckett Fold and a three-storey block of flats at Duffield Close. The new development underway proposes a contemporary part three and four storey building incorporating glazing and balconies on the west, east and south elevations and a specific arrangement of shaped windows and openings on the north elevation, designed to prevent direct overlooking between residents of the new accommodation and houses in Elmgrove Crescent.

The development comprises two blocks, Block B (located to the east), comprises a detached part two storey, part three storey building for 29 affordable housing units with an entrance on the north elevation. Block A comprises a part two, part three and part 4 storey structure to provide a total of 47 extra care flats for the elderly. The approved scheme provides for entrances on the east and south elevations along with 25 parking spaces accessed from the east via Richards Close. A footpath link to Beckett Fold (and Courtfield Crescent) is currently closed during construction but will be retained by the new development.

The development is underway, and has reached roof level in terms of the casting of floors and footprint. The development is scheduled for completion in 2010.

d) Proposal Details

- Relocation of three balconies at first, second and third floor level on the western elevation of Block A facing Beckett Fold (**NB:** Block A is the main block containing the 47 extra care units at the cul de sac end / western end of Richards Close);
- High level windows to south and west corner of Block A at 1st, 2nd, 3rd floors;
- Internal alterations to layout of two ground floor units in Block A;
- Insertion of smoke vents with obscure glazed panelling at first and second floor level on the northern elevation facing towards properties on Elmgrove Crescent and two smoke ventilation shaft to roof of the 3-storey element of Block A;
- Increase in width of all bedroom windows to Block A by 0.2m;
- Increase in width of all living room windows of shared ownership units in Block B (**NB:** Block B is the smaller block at the entrance of Richards Close containing the 29 flats) by 0.8m;
- Dropping the window sill heights to the wheelchair accessible units on the ground floor of Block A by 0.2m;
- Reduction in width of bedroom window at first floor level on central western elevation of Block A by 0.6m;

- Bringing forward the roof parapet by 700mm on the 3-storey elements of Block A and Block B;
- Height of roof parapets at third storey level to be reduced by 100mm;
- Addition of inner parapet at second storey level of Blocks A and B, set back 900mm from roof perimeter;
- Moving the ground floor communal lounge and first floor void area on the western elevation of Block A towards the north;
- Introduction of two external maintenance doors to the lower roof levels on Blocks A and B.

e) Relevant History

P/2843/08	DEMOLITION OF 55 DWELLINGS AND CONSTRUCTION OF 47 UNIT 'EXTRA CARE' SCHEME AND 29 FLATS, LANDSCAPING AND WORKS	GRANTED 25-MAR-09
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f) Pre Application Discussion

N/A

g) Applicant Statement

N/A

h) Consultations:

N/A

Advertisement: Major Development Expiry: 07-OCT-09

Notifications:

As an application under section 96A is not an application for planning permission, the usual statutory provisions relating to consultation and notification do not apply. Nevertheless, a total of 235 neighbour notification letters were sent out to residents of Courtfield Crescent, Courtfield Avenue, Duffield Close, Elmgrove Crescent, Grange Road, Hill Crescent, Hill Road, Moelyn Mews, Arless House, and Beckett Fold notifying them of the proposed non-material amendments. Officers also delivered a further 65 letters by hand following concerns expressed around the receipt of such letters.

At the time of preparing the report, no responses have been received. Accordingly, given that the timescales for determination of such applications are shorter, it is proposed that any comments received will be reported and considered in the addendum report, prepared prior to the committee meeting.

Sent: 235 Replies: 0

Notification letters sent out to the following addresses:

- 1-24 Duffield Close
- 42-64 (evens) Courtfield Avenue
- 2-20 Courtfield Crescent
- 33-108 Elmgrove Crescent
- 1-75 Grange Road
- 1-23 Hill Road (odds)
- 31-42 Hill Crescent (odds)
- 23-28 Moelyn Mews
- 1-14 Becket Fold
- Leaf House
- Arless House
- Greenhill Allotments
- Garages adjacent to Price Court

Summary of Responses:

- N/A

APPRAISAL

1) Policy Considerations

Section 38(6) of the 2004 Planning and Compulsory Purchase Act requires, inter alia, in making decisions under the Act, Local Planning Authorities must make such decisions in accordance with the development plan unless material considerations indicate otherwise.

In this case, the development plan comprises the polices of the London Plan 2008 and the saved polices of the Harrow Unitary Development Plan 2004.

In relation to this application for alterations to an approved development, the most relevant development plan polices are considered to be those that relate on the physical implications of the proposed changes, rather than to the wider considerations associated with a full planning permission. This is because the principle of development and its overall relationship to national and regional and local planning policy objectives, has already been determined. Polices 3A.6 and 4B.1 of the London Plan and policies D4 and D5 of the Harrow UDP focus principally on the more detailed considerations arising from the amendments now proposed. Given that the proposed alterations are not considered to materially alter the relationship, style or architectural character of the building, it is the specific objectives in policy D5 that seek to ensure that new developments safeguard residential amenity and protect privacy that are particularly pertinent. These specific policy considerations have been applied to the examination of the amendments below.

2) Consideration of Non-Material Amendments

To date the government has not issued any specific guidance on what constitutes a non-material amendment to a planning permission and no statutory definition is provided in the Planning Act 2008.

The discretion has, therefore, been left to the Local Planning Authority (“the LPA”) to decide, based upon the specific circumstances in each case, whether or not proposed amendments are material. In exercising its discretion, the LPA is required, by section 96A(2) of the 1990 Act, to have regard to the effect of the amendments, together with any previous amendments made under the section (if any), on the planning permission as originally granted.

In determining whether or not an amendment is material, the starting point would be whether the scale and nature of the proposed amendment would result in a development which is substantially different from that originally granted planning permission. This is the approach adopted by the courts when considering issues relating to materiality.

A full description of the proposed amendments and an assessment of their impacts are set out below:

South-West Corner to Block A

The proposed amendments are made in response to concerns expressed by the residents of Courtfield Crescent about levels of overlooking between the balconies approved on the first, second and third floor levels on the south west corner of the property. During the course of engagement with residents of No 8 Courtfield Crescent, options to reduce the level of overlooking between corner balconies and the garden area, ground, first and roof windows at No 8 comprising partial screens to the balconies were considered and rejected. This was because of their partial effect, particularly at second and third floor levels. The proposed relocation of the balconies to a point some 8.9 m north on the western elevation, and recessed into the building will more effectively address these concerns and would substantially reduce opportunities for overlooking from the balcony’s of these corner flats towards No 8.

The re-location of the balconies fully into the western elevation could nevertheless add to views already obtained from the habitable room windows and balconies approved on the west elevation of Block A. This elevation faces towards (and over) the bungalows at Beckett Fold, to the rear gardens of houses on Courtfield crescent which a re orientated approximately 90 degrees to the development. At 45 m, the garden of No 5 Courtfield Crescent is the closest independent house to the development (No 6 is owned by the applicant and has no substantive garden). The additional overlooking between the re-positioned balcony and the garden of No 5 is considered to be nominal having regard to the distance between the buildings and the existing windows and balconies approved. The orientation of the two buildings means that direct overlooking, into the windows of the houses on this part of Courtfield Crescent would be oblique and extremely limited.

The impact upon properties in Beckett Fold itself, given the orientation of the bungalows and existing relationship with the development is considered to be marginal.

These properties are already substantially affected by the development and are required to be removed within 10 years through the terms of the original planning permission for the development. Nevertheless, occupiers of these bungalows are unlikely, it is considered, to experience any discernable increase in overlooking as a consequence of the proposed amendment, given the already intimate relationship between the bungalows and the approved development.

Alterations to the entrance on the West elevation

The alteration to the living room entrance of Block A on the western elevation would serve to move the originally approved building entrance (and void above) some 6.8m northwards and up to 8m further away from the terrace of bungalows at Beckett Fold. Aside for a marginal change in the glazing pattern in the void, the design, width and form of the entrance would be unchanged from that approved.

The close proximity and impact of the development on the bungalows in Beckett Fold was recognised in the requirement to demolish these buildings within 10 years of the occupation of the new building. Further, the bungalow closest to the new development (no 14) is required to be let during the intervening period only as temporary accommodation. The relocation of the building entrance does serve to introduce at first floor level, a new flat in place of the previous void, some 11 m from No 14 and 12 m from No 13 Beckett Fold. This unit mirrors approved accommodation above at both second and third floor level.

Given the scale of the elevation and the intimate relationship between the bungalows and Block A and their orientation, the impact upon privacy of the occupiers of those units in Beckett Fold closest to the building, is considered to be marginal. As a consequence of moving the building entrance some 8m further away from the bungalows, there may be marginal reduction in activity and disturbance, particularly at night, from visitors to the site passing by the bungalows in Beckett Fold. Overall therefore, the proposed amendment is considered to have a benign impact upon the amenities of occupiers of the bungalows in Beckett Fold. Given the separation between the development and properties further away in Courtfield Crescent to the south west this amendment is considered to have no significant impacts for privacy or residential amenity.

Smoke vents and ventilation shafts on north elevation

Insertion of smoke vents with obscure glazed panelling at first and second floor level on the northern elevation facing towards properties on Elmgrove Crescent and two smoke ventilation shaft to roof of the 3-storey element of Block A. The glazed panelling would not offer any views in or out of the buildings. The smoke vents are located at roof level and will sit 700mm above roof parapet height although are unlikely to be visible from neighbouring residential properties in the immediate vicinity. It is considered that neither the vents nor the shafts would represent a material alteration to the approved planning permission.

Changes to windows

The increase in width of all bedroom windows to Block A by 0.2m and the increase in width of all living room windows of shared ownership units in Block B by 0.8m is intended to provide more natural daylight into habitable rooms. Neither of the proposed alterations to the width of the windows above would result in a noticeable change in the appearance of the approved building and would have, it is considered, an insignificant impact upon overlooking of surrounding properties and land.

Dropping the window sill heights to the seven wheelchair accessible units on the ground floor of Block A by 0.2m is proposed to allow the occupants of these units better visibility and natural day lighting to these units. It is considered that the changes would not result in a material impact to any of the surrounding properties nor would it deviate from the character or appearance of the approved building.

The reduction in width of the bedroom window at first floor level on the central western elevation of Block A by 0.6m is required as a result of internal rearrangement of this extra care unit. The proposed alterations to the width of this window above would result in a noticeable change in the appearance of the approved building but would not, it is considered, harm the integrity of the building design or its overall character.

Change to roof parapets

The height of roof parapets at third storey level is proposed to be reduced by 100mm. Further, an additional inner parapet at second storey level of Blocks A and B, set back 900mm from roof perimeter is proposed. The changes are proposed to allow maintenance to the rainwater pipe outlets at second and third floor levels. No change is proposed to the parapet at fourth floor level on Block A. It is considered that the changes would not be noticeable nor would they represent a material change to the character and appearance of the approved building.

Introduction of two external maintenance doors

Introduction of two external maintenance doors to the lower roof levels on the north elevation of both Blocks A and B. These would be kept locked shut and keys would not be available to residents. Both doors would be set back from the roof edge by 4.2m on Block A and 9m on Block B and are unlikely to be visible by residents on Elmgrove Crescent. The impact upon the design integrity of the building would not, it is considered, be compromised by this amendment. Equally, provided the doors were kept shut, the openings are considered unlikely to have any impact upon privacy or amenities of residents in adjoining properties.

Conclusions on impact of the proposed amendments

The alterations detailed above would not extend the building beyond the approved building envelope and would not serve to change the character or the overall scale of the building, or its impact upon daylight and sunlight received within surrounding properties, such that the physical impact of the development on surrounding properties would be altered beyond that which was previously approved.

Access and egress to the site and car parking arrangements would not be changed, neither would the access arrangements to each of the buildings, save for the relocation of the precise point of access on the western elevation as a result of the shift westwards. The proposed changes do not introduce a new architectural style, in place of that approved or alter the materials proposed for external finishes. The overall “character” of the building and its elevations would, it is considered, be unchanged.

3) Implications of the Recommendation

This application is for non-material amendment to a planning permission. It is not seeking planning permission for the development itself, which, notwithstanding the concerns raised by residents surrounding the site, has been previously granted by the Local Planning Authority.

The amendments proposed by the applicants are considered to fall within the scope of S.96A of the 1990 Act. The amendments proposed for the south west corner of the building have been made in response to concerns expressed directly to the sites developers and the Council by residents of Courtfield Crescent regarding overlooking between the flats approved and their properties. The other amendments details have been made to address operational requirements and to enhance the quality of accommodation provided to future residents. For the reasons set out above, officers consider that the amendments satisfactorily address the policy requirements of the development plan and are acceptable. Approval of this application for non-material amendments is accordingly recommended.

4) Legal Comments

An application made under section 96A for non-material amendments to a planning permission is not an application for planning permission. Accordingly, if the Committee were minded to refuse the application, the decision to refuse will not affect the planning permission previously granted on 25th March 2009.

An application for non-material amendments must be determined by the Local Planning Authority within 28 days of receipt of the application (or within such longer period as agreed in writing between the Council and the applicant).

Although no specific reference is made in the Planning Act 2008 to a right to appeal against a refusal of an application to make a non-material change, it is generally believed that such a right exists under section 78 (1)(c) of the Town and Country Planning Act 1990.

5) Consultation Responses:

N/A

CONCLUSION

For all the reasons considered above and having particular regard to the proposed changes and weighing up all material considerations, including any comments received in response to publicity and consultation, as set out above, this application is recommended for grant.

Plan Nos: PL100 Rev.P5, PL101 Rev.P3, PL102 Rev.P3, PL103 Rev.P2, PL104 Rev.P2, PL200 Rev.P6, PL201 Rev.P6, PL210 Rev.P2

Background papers

- Planning Committee report for planning ref: P/2843/08
- Associated Unilateral Undertaking
- Planning decision notice for ref: P/2843/08 granted 25 March 2009

SECTION 3 - APPLICATIONS RECOMMENDED FOR REFUSAL

19-23 HIGH STREET, PINNER, HA5 5PJ

Item: 3/01

P/2126/09/SB5/W

Ward PINNER

CONTINUED USE OF COFFEE SHOP (CLASS A1/A3)

Applicant: Starbucks Coffee Co. (UK) Ltd

Agent: Pegasus Planning Group

Statutory Expiry Date: 26-NOV-09

RECOMMENDATION

REFUSE permission for the development described in the application and submitted plans for the following reason:

REASON: The proposal results in an unacceptable loss of retail frontage and a harmful concentration of non-retail uses within this part of the Pinner District Centre, leading to loss of vitality of the shopping parade and Pinner District Centre as a whole, contrary to saved policy EM16 of the Harrow Unitary Development Plan (2004).

Saved Policies of the London Borough of Harrow UDP
EM16 Change of Use of Shops – Primary Shopping Frontages
D4 The Standard of Design and Layout
D15 Conservation Areas
D15 Extensions and Alterations in Conservation Areas
EP25 Noise
EM25 Food, Drink and Late Night Uses

MAIN CONSIDERATIONS AND POLICIES London Plan (2008) and saved policies of the Harrow Unitary Development Plan (2004) and any other relevant guidance

- 1) Change of Use of Shops – Primary Shopping Frontage (EM16)
- 2) Character and Appearance of Area and Conservations Areas (D4, D14, D15)
- 3) Residential Amenity (EP25, EM25)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

This application is reported to the committee at the request of a nominated member.

a) Summary

Statutory Return Type: Change of Use
Conservation Area: Pinner High Street
Council Interest: None

b) Site Description

- The site is a commercial premises situated on the High Street in Pinner, and within Pinner High Street Conservation Area;
- The lawful use of the premises is retail use (Use Class A1) however it was converted into a coffee shop in 2007 without planning permission;

- The site is located in the designated Primary Frontage of the Pinner District Town Centre;
- Large service area and car park to the rear of the site;
- Passageway leading to Bishops Walk adjacent to the easterly side of the site;
- The following uses are operating in this parade:
 - No.1 High Street – Shop (Class A1)
 - No.3 High Street – Chemist (Class A1)
 - No. 5 High Street – Shop (Class A1)
 - No. 7 High Street – Vacant (Class A1)
 - No. 9 High Street – Vacant (Class A1)
 - No.11 High Street – Restaurant (Class A3)
 - No.13 High Street – Restaurant (Class A3)
 - No.15-17 High Street – Restaurant (Class A3)
 - No.15c High Street – Shop (Class A1)
 - No.19-23 High Street – The application site
 - No.25 High Street – Hairdressers (Class A1)
 - No.27 High Street – Beauty Clinic (Sui Generis)

c) Proposal Details

- Continued of use as Coffee Shop (A3) with ancillary A1 use;
- Premises comprises a large seating area with 59 Seats occupying approximately 45.2% of the total ground floor area (NB total ground floor includes the area of the counter/ serving area, preparation area; staff lockers/ WC, public WC and passageway leading to public WC);
- The actual seating area is approximately 71m², whereas the counter/ serving area equates to 25m².

Revisions to Current Application:

- None

d) Relevant History

P/2719/07	New shopfront on High Street and Bishops Walk	NOT DETERMINED APPEAL ALLOWED 18-APR-08
P/4238/07	Certificate of Lawful Existing Use: Use of ground floor of premises as a coffee shop (Class A1)	REFUSED 11-FEB-08

Reason for Refusal:

In order to issue a certificate of lawful use in relation to this application, the local planning authority need to be satisfied that the use of this property as a Coffee Shop falls within the class A 1 of the Use Classes Order. From the information submitted and the material circumstances relative to the operations of the use as noted above, indicate that the existing use (Coffee Shop) subject of the application is in fact a mixed use (sui generis) as opposed to an A 1 use. The present use of the site as a coffee shop represents a material change of use requiring planning permission.

P/1389/08DFU	Continued use as coffee shop	REFUSED 04-JUL-08
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Reason for Refusal:

The proposal results in an unacceptable loss of retail frontage, leading to loss of vitality of the shopping parade and Pinner District Centre as a whole, contrary to policy EM16 of the Harrow Unitary Development Plan (2004).

P/1695/08FU	Installation of two awnings to shopfront	GRANTED 02-OCT-08
P/1696/08DFU	Retention of air conditioning units and extraction apparatus at rear	GRANTED 16-JUL-08

e) Pre-Application Discussion

- None.

f) Applicant Statement

- This application is supported by a planning statement, which is summarised below:
 - Retrospective application for mixed use A1/ A3 – this is the most appropriate categorisation of the use for a coffee shop such as Starbucks Coffee;
 - The store's sales figures indicate the following: 'eat in trade' = 65% and 'eat out trade' = 35%;
 - The statement demonstrates that a coffee shop retains a significant element of Class A1 (Retail) use;
 - Patronage survey of Swindon indicates that such premises will be well used by shoppers and other users – will attract many, if not more users than nearby A1 uses;
 - The survey undertaken in Exeter store demonstrate that Starbucks Coffee shop are of benefit to the High Street;
 - There will be no negative impact upon the retail function of the frontage or the town centre as a whole;
 - Strong material considerations associated with this application that would warrant a departure from the Local Plan Policy – i.e. the appeal decisions sited in the statement;
 - This primary frontage is in a peripheral location in shopping terms – main shopping area is located along Bridge Street;
 - There will be no harmful concentration of non- retail uses within this part of the High Street;
 - Coffee shop use is a complementary shopping use;
 - A1 element of proposal represents a significant proportion of the overall use;
 - Starbucks Coffee shop is considered to be a high quality and will raise the profile of this part of the High Street.

g) Consultations:

CAAC

We object to the proposal and the shopfront. The conservation area needs retail use.

We support the Pinner Association who object to the loss of retail use. We feel the shopfront and the change of use should go hand in hand within an application.

The Pinner Association

Last year the applicants made an application (P/1389/08) for these premises to be used as a coffee shop which application was refused by your Council in July 2008. In respect of this application we wrote to you on 10th June 2008 objecting to it and the reasons we gave then are, we consider, still relevant to this current application and accordingly we enclose a copy of our letter herewith.

In the Statement sent with this new application the applicants in paragraph 5.28 state that "As existing, the length of non-retail frontage within Pinner District Centre Primary Frontage stands at 33.02%". They go on to say in paragraph 5.29 that if this application were granted it would take the level of non-retail frontage to 34.1%. Policy EM16 of your Council's UDP sets a limit of 25%.

It follows from the above that Pinner District Centre already has too much non-retail frontage by a very substantive margin. If approved this application would take the non-retail frontage, on the applicants own figures, up to more than 9% above the figure in Policy EM16.

We are most concerned about the erosion of the retail base in Pinner District Centre. When an A1 use is lost in a unit it is rare for it to come back. We feel that the long term health of the Centre requires it to keep the number of A1 uses which it has and, if possible, increase them rather than suffer a continuous gradual reduction of these. We are aware that commercial pressures for valuable non-A1 consents are strong and were this application to be granted it would rapidly be followed by others which it would be difficult to resist. With a non-retail frontage figure already in excess of 33% this is the time to take a stand for the long term viability of this Centre.

Advertisement: Character of Conservation Area Expiry: 29-OCT-09

Notifications:
Sent: 18 Replies: 1 Expiry: 26-OCT-09
+ 1 letter of support

List of Neighbours Consulted

Suite B Bishops Walk House, 19-23 High Street	Suite C Bishops Walk House, 19-23 High Street
Suite D Bishops Walk House, 19-23 High Street	Suite E And F Bishops Walk House, 19-23 High Street
79 Whitegate Gardens	13 - 13A High Street
15 - 17 High Street	15C High Street
15A High Street	18 High Street
15B High Street	20 - 22 High Street
20A High Street	24 High Street
22 High Street	1 Bishops Walk, High Street

22A High Street

1 Beaumont Mews, High Street

Summary of Response:

- Already enough coffee shops in the High Street;
- As they broke our planning laws – it opens the way for other companies to do the same;
- Should have been closed immediately – probably is too late now.

Letter of support:

- Popular place to meet other mums – no other equivalent establishment in Pinner is baby friendly;
- The High Street is struggling – longer the recession the more empty shop fronts will appear – to close one of the few establishments that acts as a magnet to the Village centre would be perverse;
- Pinner Association do not speak for the whole village on this matter;
- They have a conflict of interest due to the soon to be opened coffee shop located in Pinner Memorial Park;
- The decision that serves the community and the High Street best would be to grant the application.

APPRAISAL

1) Change of Use of Shops – Primary Shopping Frontages

This application follows on from a previous application P/1389/08 which sought retrospective planning permission for the continued use of the premises as mixed use Class A1/A3. This application was refused planning permission for the reason set out above.

Saved policy EM16 of the Harrow Unitary Development Plan (2004) will permit a change of use from A1 to non-retail use, subject to consideration of the existing locality, which will include inter-alia, the appropriateness of the use to a town centre, the length of existing non-retail frontage, to ensure that a harmful concentration of non-retail uses is not created or added to, that adequate servicing arrangements are available and to ensure the retention of a frontage appropriate to a shopping area. This policy goes on further to state that A2 and A3 uses can compliment A1 uses within shopping frontages and can bring vitality to the area. However, the cumulative growth in non-retail uses can also undermine its vitality and viability, and could have an adverse impact on the character of the centre.

Paragraph 7.63 of the reasoned justification to saved policy EM16 states that though the primary frontage will be restricted to mainly A1 uses, it is still considered important to ensure that non-retail uses are dispersed throughout the shopping core and do not form clusters which may weaken shopping in that particular part of the primary frontage. The objective is therefore to seek to avoid any harmful concentration of non-retail uses that may adversely affect the retail character of the primary area or undermine the contribution of any particular frontage to the centre as a whole.

A harmful concentration is most likely to arise when a cluster or group of non-retail uses, not all of which may necessarily be consecutive begin to predominate within a significant length of frontage and so prejudice the retail function of that frontage within the centre.

Given the significant size of the premises and the substantial amount of seating (59 seats) amounting to approximately 45.2% of the ground floor (NB total ground floor includes the area of the counter/ serving area, preparation area; staff lockers/ WC, public WC and passageway leading to public WC), it is considered that the premises is primarily for A3 use in operation with the cold food take-away aspect of business appearing as a subsidiary component of the use. Notwithstanding the details set out in the applicant's Planning Statement, the actual area used as A3 use equates to approximately 70m², compared with the retail area including the shop counter and display unit (which equates to approximately 25m²).

Given the prevailing character of the use (as a café/ restaurant), the application therefore has been assessed as a change of use from A1 to A3 with ancillary A1 use.

Currently the total length of non-retail primary frontage in Pinner District Centre (including any existing but unused permission) is 33.02% (June 2009 Shop Front data). The change of use of No.19-23 High Street from retail (A1) to coffee shop (A3) increases this non-retail frontage by 1.12 % to 34.14% which is well above the 25% maximum contained in policy EM16. It is acknowledged that the existing percentage in non-retail use already exceeds the recommended maximum. It is however considered that any permitted further changes of use away from retail use would materially accentuate the loss of retail function with consequent impact upon the range of uses in this part of the centre detrimental to the vitality and viability of the Pinner District Centre.

According to the Council's Shop Front Data - June 2009, the total number of vacant units in the primary frontage stood at 7. This is one unit more than the vacant units in the primary frontage identified in the Council's Shop Front Data June 2008. A further assessment of the primary shopping frontage carried out on 16th November 2009 shows that the following units were either vacant, due to be vacant and those that have been brought back into use since the Shop Front Data gathered in June 2009:

- 7 High Street – (A1) - vacant.
- 9 High Street – (A1) - vacant.
- 14 High Street – (A1) - vacant.
- 48 High Street – (A1) - vacant.
- 2 Red Lion Parade – vacant at present (A1) but signs on shop front stating it is opening soon as a confectionary shop (A1).
- 8 Red Lion Parade – vacant – lawful use is A2, however there is a valid unimplemented proposal for change of use to a take away use class A5.
- 15 Love Lane – (A3) was occupied by Nutmeg Indian Cuisine – this premises is undergoing refurbishment and will be re-opening as a different restaurant
- 18 Bridge Street (A1) currently occupied by Thresher Wine Shop – but there are signs on shopfront stating 'closing down soon'.

- 11 Bridge Street (A1) was previously vacant (was Woolworths) is now occupied as a retail shop.

Based on the above details, the total vacant units stand at 7, of which 2 units (No.2 Red Lion Parade and 15 Love Lane) are due to be occupied soon. No.18 Bridge Street is likely to become vacant in the near future. It is acknowledged that the level of vacant units that are available is capable of being a material consideration which should be considered in this case. It is noted that most of the units that are vacant are A1 use. The number of units that are vacant at present would be no greater than the number of units that were vacant at the time when P/1389/08 was determined. Whilst noting that the proposed change of use would not prevent, in itself, new A1 premises opening in Pinner there has been no significant change in vacancy levels since the refusal of the previous application. The loss of a large designated retail space within Pinner District Centre is considered on balance to be detrimental to the level and quality of the existing and future shopping facilities within the District Centre.

The number of vacant units at present does not overcome the Local Planning Authority's previous concern that the development leads to a harmful concentration of non-retail uses in this part of the primary frontage. To the west of the site and located within the same parade there are three existing A3 uses at Nos.11, 13 and 15-17 High Street. To the east of the site there are two further non-retail uses, No.31 is public house (use class A4) and No.33 is an A3 restaurant. Located on the opposite side of the High Street there are ten units in total which have non-retail uses. It is considered that the use of No.19-23 High Street as an A3 use adds to the harmful concentration of non-retail units within this part of the Pinner District Centre.

It is acknowledged that the applicant has quoted a number of past appeal decisions and has undertaken surveys in Swindon and Exeter to support their application. However each application has to be assessed on its own merits and having regard to relevant Development Plan policies. The acceptability of such a change of use in one locality can not set a precedent for all future cases.

Based on the above factors and having regard to relevant material considerations and the applicant's supporting statement, it is considered that the change of use fails to meet the objectives of saved policy EM16 of the Harrow UDP (2004). Notwithstanding this conclusion, the material planning reasons cited by the applicant are not considered to justify setting aside the prescription within s.38 (6) of the Act against the change of use proposed.

2) Character and Appearance of Area and Conservations Areas

It is considered that the appearance of the premises as a coffee shop does not have any harmful impact in terms of its design and layout on the character and appearance of the locality and the conservation area. The existing shopfront that has been installed has the benefit of planning permission which was granted on appeal.

3) Residential Amenity

The subject site is located centrally within the District Centre and there are existing A3 uses along this particular frontage of commercial premises. The introduction of a further A3 use is considered to not have any harmful implications for the amenity of any nearby residential occupiers and the application is deemed acceptable in this respect.

4) S17 Crime & Disorder Act

It is considered that this change of use does not lead to an increase in a perceived or actual threat of crime.

5) Consultation Responses

- Matters relating to the change of use have been addressed under section 1 of the above appraisal.
- The LPA acknowledge that the applicant had breached planning law by not applying for planning permission prior to commencement of the use. The acceptability of such change of use is assessed against the Council's relevant Unitary Development Plan policies. The LPA does consider that planning breach such as this would set a precedent for other businesses. The LPA also has the powers to take enforcement action if deemed expedient.

CONCLUSION

Section 38 (6) of the 2004 Act requires that the LPA when determining planning applications has regard to the development plan, insofar as it is relevant. In this case the development falls to be considered under policy EM16 of the Harrow UDP. For the reasons above, and notwithstanding the representations made by the applicant and supporters, the application is considered to have failed to address the planning policy requirements and would result in the unacceptable impacts identified. Refusal is therefore recommended.

INFORMATIVES

1 INFORMATIVE:

Notwithstanding the note on your submitted plan(s), this decision has been made on the basis of measurements scaled from the plan(s), unless a dimensioned measurement overrides it.

Plan Nos: BRS.1456_01-1; A4.0 REV A; Planning Statement

SECTION 4 – CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None

SECTION 5 - PRIOR APPROVAL APPLICATIONS

79 COLLEGE ROAD, HARROW, HA1 1FB (HARROW ON THE HILL STATION)

Item: 5/01
P/2498/09/GL/C

Ward GREENHILL

PRIOR APPROVAL OF DETAILED PLANS AND SPECIFICATIONS FOR FORMATION OF A HIGH LEVEL PEDESTRIAN WALKWAY (BRIDGE) TO ALLOW ACCESS FROM CREW FACILITIES TO STATION PLATFORMS; NEW SHOPFRONT TO GROUND FLOOR RETAIL UNIT, ALTERATIONS TO THE REAR OF RETAIL UNIT, INCLUDING EXTRACT FLUE, IN ASSOCIATION WITH REFURBISHMENT FOR STAFF ACCOMMODATION

Applicant: Transport for London

Agent: Ian Gilbert

Statutory Expiry Date: | N/A

RECOMMENDATION

PRIOR APPROVAL of detailed plans and specifications for formation of a high level pedestrian walkway (bridge) to allow access from crew facilities to station platforms; new shopfront to ground floor retail unit, alterations to rear of retail unit comprising extract flue and replacement of five windows with louvres **IS** required.

PRIOR APPROVAL of detailed plans and specifications for formation of a high level pedestrian walkway (bridge) to allow access from crew facilities to station platforms; new shopfront to ground floor retail unit, alterations to rear of retail unit comprising extract flue and replacement of five windows with louvres is **GRANTED**.

REASON: The decision to recommend GRANT of prior approval has been taken having regard to the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 11, and all relevant material considerations, as it is considered that the development could not reasonably be carried out elsewhere on the land and would not injure the amenity of the neighbourhood.

MAIN CONSIDERATIONS (Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 11)

- 1) Location of Development; Amenity of Neighbourhood
- 2) S17 Crime & Disorder Act (D4)
- 3) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type: Notifications

Council Interest: None

b) Site Description

- The application site is on the north side of the station buildings at Harrow on the Hill railway station
- The site includes a covered arcade of retail shops
- A four-storey block of offices adjoins the retail arcade on the north west side
- The site abuts the Harrow on the Hill bus terminus

c) Proposal Details

- New raised pedestrian bridge linking the crew facilities on the first floor of the tower block at 79 College Road with the main station building
- The walkway would be a total of 9m long, with one section being 7.3 m long and a shorter linking section 1.7m long. The walkway would be 1.8m wide and a total of 3m high. The walkway would be 4.8m above ground level
- The proposal also includes the replacement of a shopfront on the retail unit closest to the steps leading to the platform entrances on the west side of the arcade to facilitate the conversion of the unit into a staff canteen. In addition to the shopfront, an extract flue would be added to the rear elevation and some of the windows on the rear elevation at both ground and first floor levels would be replaced with louvers.

d) Relevant History

P/1142/09	Use of first floor office (Class B1 Use) as train crew office/work accommodation	GRANTED 17-JUL-09
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e) Pre-Application Discussion

- None

f) Applicant Statement

- Proposed substation is required to allow access for train crew from crew facilities to platforms without removing other station staff from duties to open existing access gates required when station is not open to the public
- Proposal would allow non-crew staff to concentrate on safety checks
- Proposal would improve staff facilities at the station
- Proposal would not affect any future installation of lifts to the station platforms

g) Consultations

Transport Planning: No objection provided proposal would not interfere with future installation of passenger lifts

APPRAISAL

1) Location of Development; Amenity of Neighbourhood

The proposed development would be located within the limits of deviation outlined in the London Passenger Transport Act, 1935, and is authorised by that Act, and is considered to be permitted development.

Condition A.1 attached to Class A of Part 11, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 notes that development is not permitted by Class A if it includes (*inter alia*) the erection or alteration of any building or bridge, unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

Paragraph A.2 states that this prior approval is not to be refused, nor conditions to be imposed, unless the authority is satisfied that:

- a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or

- b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

The proposed development is required to improve the facilities provided to railway staff without compromising passenger safety. The proposed bridge could not reasonably be accommodated on any other part of the station.

Although the bridge would be overlooked by occupiers of the office building at 79 College Road, there would be no significant loss of light to this office building, which currently affords a view of the roof of the main station building and the bus terminus.

The bridge would be visible from a short section of College Road, but would not be out of context given that it is surrounded by taller buildings and the main use of the site for transport purposes.

The new shopfront would be in keeping with other shopfronts in the retail parade. The alterations to the rear of the retail unit would not be visible from the public realm and would not be injurious to the amenity of the neighbourhood.

The proposal would not affect any future installation of passenger lifts which would improve the accessibility of the station and platforms.

Given these site circumstances, it is considered that the development could not reasonably be carried out elsewhere on the land and would not injure the amenity of the neighbourhood.

2) S17 Crime & Disorder Act

The proposal would have no impact with respect to this legislation.

3) Consultation Responses

N/A.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation, this application is recommended for grant.

Plan Nos: Site Plan; WPA-682-AD-100; -102; -02; -03; -04; Unnumbered location plan; Unnumbered plan indicating limit of deviation of the railway; Extract of London Passenger Transport Act, 1935; Supporting statement received by email 06-Nov-09.

LAND AT JUNCTION OF HAILSHAM DRIVE AND HEADSTONE DRIVE, HARROW, HA1 4UB

Item: 5/02

P/2449/09/GL/C

Ward **MARLBOROUGH**

PRIOR APPROVAL OF DETAILED PLANS AND SPECIFICATIONS FOR FORMATION OF A MEANS OF ACCESS TO THE HIGHWAY AND NEW ELECTRICAL SUBSTATION

Applicant: Network Rail Infrastructure Limited

Agent: Helen Milner

Statutory Expiry Date: | N/A

RECOMMENDATION

PRIOR APPROVAL of detailed plans and specifications for formation of a means of access to the highway and new electrical substation **IS** required.

PRIOR APPROVAL of detailed plans and specifications for formation of a means of access to the highway and new electrical sub station is **GRANTED**.

REASON: The decision to recommend GRANT of prior approval has been taken having regard to the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 11, and all relevant material considerations, as it is considered that the development could not reasonably be carried out elsewhere on the land and would not injure the amenity of the neighbourhood.

MAIN CONSIDERATIONS (Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 11)

- 1) Location of Development; Amenity of Neighbourhood
- 2) S17 Crime & Disorder Act (D4)
- 3) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type: Notifications

Council Interest: None

b) Site Description

- The application site is on the north west quadrant of the roundabout at the junction of Hailsham Drive and Headstone Drive
- The north-east boundary of the site is marked by the main line railway from London Euston.
- The site is currently shielded from public view by advertisement hoardings

c) Proposal Details

- New electrical substation located towards the railway line: substation would comprise five structures: one High Voltage distribution board approximately 5.2m high, 3.7m deep (plus access steps) and 4.8m wide;

one 5-panel DC traction switchboard approximately 5.2m high, 3.7m deep (plus access steps) and 3.7m wide; one rectifier module, approximately 5.2m high, 6.9m deep (plus access steps) and 3.7m wide; two auxiliary transformers, each approximately 3.4m high, 3.4m wide and 3.4m deep

- New means of access to the highway at the northeast quadrant of the roundabout to allow for maintenance.

d) Relevant History

- None

e) Pre-Application Discussion

- None

f) Applicant Statement

- Proposed substation is required to upgrade existing substation to the rear of Warwick Court in Princes Drive
- Proposal would involve some clearance of vegetation
- Advertising hoardings would be retained to shield the site
- Access would be from Hailsham Drive

g) Consultations

Transport Planning: No objection

APPRAISAL

1) Location of Development; Amenity of Neighbourhood

The proposed development would be located within the limits of deviation outlined in the London and North Western Railway Act, 1907, and is authorised by that Act, and is considered to be permitted development.

Condition A.1 attached to Class A of Part 11, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 notes that development is not permitted by Class A if it includes (*inter alia*) the erection of any building or the formation, laying out or alteration of a means of access to any highway used by vehicular traffic unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

Paragraph A.2 states that this prior approval is not to be refused, nor conditions to be imposed, unless the authority is satisfied that:

- c) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
- d) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

The proposed development is required to upgrade the existing substation located on operational railway land to the rear of Warwick Court. The replacement substation would need to be completed before the old substation could be decommissioned. An examination of the plans indicates that there is no other suitable land that could be used for the development while continuing to provide a continuity of service on the railway.

The proposed site for the location of the substation is currently vacant land, and the proposal would not therefore displace any existing activity.

The proposal would be largely shielded from public view by advertisement hoardings, and would be located on a roadway that leads to the Crown Court and the Waverley Industrial Estate. The vehicular access is required for maintenance purposes and it is anticipated that it would be used intermittently. The transport planning section has no proposals for works in this area and do not raise any objection to the new access.

Given these site circumstances, it is considered that the development could not reasonably be carried out elsewhere on the land and would not injure the amenity of the neighbourhood.

2) S17 Crime & Disorder Act

The proposal would have no impact with respect to this legislation.

3) Consultation Responses

N/A

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation, this application is recommended for grant.

Plan Nos: Site Plan; Existing Site Plan; 06248/000/6.7/EL/010 Rev P01; 106248/000/6.7/SL/002 Rev P02; Unnumbered plan indicating limit of deviation of the railway; Extract of London and North Western Railway Act, 1907; Design and Access Statement