

Planning Committee

PLANNING APPLICATIONS RECEIVED

DATE:

Monday 23 September 2013

PLANNING COMMITTEE

APPLICATIONS

MONDAY 23RD SEPTEMBER 2013

PLANNING APPLICATIONS RECEIVED

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PLANNING COMMITTEE

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SECTION 1 – MAJOR APPLICATIONS

ITEM NO. **1/01**

ADDRESS: KENTON LANE FARM, (BRAZIERS FARM),
323 KENTON LANE, HARROW,

REFERENCE: P/3075/12

DESCRIPTION: DEMOLITION OF EXISTING MODERN WAREHOUSE AND NON-LISTED FORMER DIARY STORAGE BUILDING, EXTENSIONS INCORPORATING REFRIDGERATION UNITS, CANOPY & CAGES, TELECOMS MAST AND ASSOCIATED PLANT / STRUCTURES; ALTERATIONS TO GRADE II LISTED FARMHOUSE TO PROVIDE TWO SELF-CONTAINED RESIDENTIAL UNITS; CONVERSION AND ALTERATIONS TO GRADE II LISTED FORMER DIARY COURTYARD OUTBUILDINGS TO CREATE THREE SELF-CONTAINED RESIDENTIAL UNITS AND ANCILLIARY COMMERCIAL / WORKSHOP SPACE; AND CONSTRUCTION OF 26 TWO STOREY WITH HABITABLE ROOFSpace RESIDENTIAL DWELLINGS, RETENTION OF TWO VEHICULAR ACCESSES; ASSOCIATED CAR AND CYCLE PARKING, REFUSE STORAGE FACILITIES, LANDSCAPING AND CREATION OF NEW PUBLIC OPEN SPACE.

WARD: KENTON WEST

APPLICANT: MRS CAROL EDWARDS & MR DAVID BRAZIER

AGENT: PRESTON BENNETT

CASE OFFICER: CALLUM SAYERS

EXPIRY DATE: 05/03/2013

RECOMMENDATION A

Part 1) Delegated Authority be given to the Divisional Director of Planning to determine Planning permission following the end of the consultation period on 26 September 2013.

Part 2) GRANT planning permission subject to:

- Conditions set out at the end of this report;
- The completion of a Section 106 agreement with the heads of terms set out below (subject to further negotiation and agreement).
- Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement.

HEADS OF TERMS

Enabling Development

To ensure that the development and disposal of the residential developments is tied to undertaking the necessary works to both the Grade II Listed Farm House and Outbuilding to ensure their future security.

Affordable Housing

To provide a re-appraisal of the end housing and land values of the development at the occupation of 80% of the residential units permitted. In the event that any of the units have demonstrated sales higher than those initially appraised, 50% of the surplus residual is to be paid to the Council as a contribution toward the provision of Affordable Housing within the Kenton Area.

Education

Off site contribution (£44,244) to Education provision in the Borough commensurate with the child yield of the development.

Health

A contribution (£35,028) towards local healthcare facilities.

Sports and Leisure

An off-site contribution (£16,800) to sports and leisure facility provision within the Borough based on person yield of the development.

Training & Employment

1 local trainee (ideally an apprentice) per £1m of construction cost + £3,500 per £1m of construction cost as a contribution towards local employment placement co-ordination.

Access and Maintenance of Publicly Accessible Open Space

The submission of a long term management strategy for the publicly accessible open spaces, including funding arrangements, to be agreed in writing.

The submission of a strategy to permit the public use of and access to the open space

Monitoring and Compliance

Payment of the Councils monitoring costs

RECOMMENDATION B

That if the Section 106 Agreement is not completed by 30th September 2013 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a Legal Agreement to provide appropriate provision for infrastructure that directly relates to the development, would fail to adequately mitigate the impact of the development on the wider area and provide for necessary social and physical infrastructural improvements arising directly from the development, contrary to the NPPF (2012), policies 3.8, 3.13 3.18, 3.19, 4.12, 5.12, 6.3, 7.8, 7.16, 7.18, 7.19 and 7.21 of The London Plan (2011), Core Strategy (2012) policies CS1 and CS10, and policies DM1, DM7, DM18, DM19 and DM42 of the Harrow Development Management Plan (2013).

INFORMATION

This application is reported to the Committee as the number of residential units and floorspace proposed falls outside of the thresholds (six units and 400 sq m respectively) set by category 1(d) of the Council's Scheme of Delegation for the determination of new development.

Statutory Return Type: Major Development

Council Interest: None

GLA Community Infrastructure Levy (CIL) Contribution (provisional):

£90,580.00 (Based on a residential floor space uplift of 2588sqm)

Harrow Community Infrastructure Levy (CIL) Contribution (provisional):

£284 680.00 (Based on a residential floor space uplift of 2588sqm)

Site Description

Description of Application Site

- The application is a 1.4ha site which has historically been used as a dairy farm/processing farm. The property is located on the western side of Kenton Lane and also known as Braziers Farm.
- The site is located within 400m to the south of Belmont Local Centre.
- Kenton Lane Farm comprises a series of buildings associated with the former dairy and milk production operation, being partly previously developed land, with open space (private no public access) as the remainder of the site.
- An existing telecommunications tower is located to the west of the farm outbuilding, and was the site of an original well.
- Located to the east and north of this hard standing is open grassland which is identified as Local Open Space within the policy context.
- To the northern end of the frontage of the property abutting Kenton Lane is the main entrance to the site, with a secondary access to the south of this providing access to the farm house.
- The application site has a Public Transport Accessibility Level of 2, which is noted as being average.
- The surrounding land use is predominantly residential, and is characterised as typical Metro Land style. Many of the properties that adjoin the site, and front onto Ivanhoe Drive, Tenby Avenue, and Kenton Lane itself are two-storey semi-detached dwellings. Numerous properties along these roads have been altered to provide for hip to gable roof extensions with rear facing box dormers.

Listed Buildings

- The application site comprises Kenton Lane Farmhouse and former farmbuildings to south west of Kenton Lane Farmhouse.
- All these buildings became grade II listed on 3rd February, 1989
- The list description for the farmhouse reads:
- Farmhouse, now house. Built c1808, to designs of William Loudon and Robert Abraham. Flemish bond red brick; hipped slate roof; brick ridge and end stacks. Double-depth plans. 2 storeys; symmetrical 3-bay front, extended to 4 bays by addition of bay to right soon after 1808. Flat brick arches over C20 door and C20 windows, recessed with segmental gauged brick arches to ground floor; twin brackets to overhanging eaves. Similar rear elevation. Mid C19 two and one-storey bays added to right, with cambered brick arches over windows. Interior: panelled doors and dog-

leg staircase with landing. Kenton Lane Farm was leased by William Loudon (Father of J C Loudon, the famous land agent and writer on agriculture and rural architecture) in 1808 and was immediately replanned with its buildings (qv) grouped around a courtyard and its land managed and cultivated in accordance with the latest techniques'.

- The list description for the former farmbuildings to south-west of Kenton Lane Farmhouse reads:
- 'Farmbuildings now part of commercial dairy. Built c1808, to designs of William Loudon and Robert Abraham. Colourwashed Flemish bond brick, with hipped plain tile roofs to north and west ranges and gabled slate roof to south range; building at east end of south range is of weatherboard over softwood timber frame on brick plinth with half-hipped slate roof. Buildings surround 3 sides of courtyard. North range has through-entry to west of former cart or traphouse, with overlights over 2 entries to rear, and to east of former one-storey 4-window range stable with segmental brick arches over C20 door and early C20 two-light casements, and C19 plank loft doors set in gabled dormers to front and rear; west range, former fodder barn, has segmental brick arch over central entry and timber lintel over stable door with overlight to south; former 7-bay shelter shed to south range, originally open-sided and with later infill, is attached to former hay barn with C20 lean-to extensions to east. Interior: softwood trusses with clasped and through purlins. Forms a group with Kenton Lane Farmhouse (qv)'

Significance

- Together Kenton Lane farmhouse and the adjacent farm buildings comprise a group of grade II listed buildings which form the surviving elements of an early 19th century model farm designed by William Loudon and Robert Abraham.
- The buildings have important aesthetic, architectural and historic qualities of the complex associated with innovations in early 19th century cultivation and agriculture. The farmhouse and farm buildings are constructed in an attractive Flemish bond brick, and retain a high degree of originality.
- The historic value as a model farm complex is heightened by the associative historic value in these buildings in the connection with Loudon and Abraham. Loudon was noted for his progressive writing and teachings on farming and he wrote 'Designs for Laying Out Farms and Farm-buildings in the Scotch Style' dated 1812 where he recounted changes made to these buildings. He also published in 1834 'The Encyclopedia of Cottage, Farm, Villa Architecture'.
- The immediate setting of the listed buildings has been undermined by the 20th century extensions and additional and buildings for light industrial use on the site.
- However, the historic value is enhanced by the incongruity of an agricultural complex amidst a dense suburban area, demonstrating a clear link with the agricultural past of Harrow prior to the mass housing developments providing homes for the London commuter. The open grassland allows for ready interpretation of the complex's agricultural past.
- The listed buildings are a rare survival in London and remain clearly legible as the surviving elements of the model farm, an agricultural group within a large semi-open setting.
- The listed buildings are in a reasonable condition and are far from derelict. They are not worthy of English Heritage's 'heritage at risk' register. The listed farm house is used as residential accommodation. The listed farm buildings are used for dairy and car storage and are part vacant.

Proposal Details

Buildings/extensions to be Demolished

The application site has a number of ancillary buildings that were used in conjunction with the authorised use of the property. These ancillary buildings are not listed. Furthermore, the listed farm building has been extended in a manner of ways, none of which are included within the buildings listing, and are proposed to be removed.

The demolition to be undertaken on site includes;

- The two implement sheds that are joined together, and are located just to the north of the listed farm shed.
- The detached outbuilding located to the east of the two outbuildings.
- The existing radio tower (former well site) to the west of the listed farm building.

Further to the demolition of these ancillary structures onsite, there is also some demolition of additions to the existing listed farm house.

- Front extension to the former office building to the farm house
- Reduction in height of listed wall between the farm building and the farm house, and the lean to element attached to this within the courtyard. (Note: the wall has been extended in height previously, and the reduction in height would revert the wall to its original height)
- Removal of lean to canopy structure within the courtyard located on the eastern elevation.
- Removal of the extension on the rear eastern elevation of the farm building.
- Internally there will be the removal of the refrigeration units.

Works to Listed Buildings

The existing farm house and the horse shoe style milking shed to the rear are both grade II listed buildings. It is proposed to undertake works to each of the listed buildings.

Farmhouse

- The existing farm house is noted as currently being in two separate residential units.
- Replacement of all UPVC windows with timber sash windows
- Replacement of external west and east elevation timber doors and fanlights with those more in keeping with the Georgian origins of the farmhouse.
- Replacement timber door on north elevation and new timber door and side screens on the north elevation
- Another replacement door
- Demolition of modern garden wall
- Replacement of timber front door and fan light with one of more traditional design.
- Proposed 1m high metal rail fencing facing Kenton Lane and another dividing the gardens of units 1 and 2.
- Strip off existing roof coverings and set aside for re-use
- Install new felt underlay and battens
- Relay salvaged slates (supplement with new tiles where necessary to match existing)
- Install new lead flashings
- Some brickwork repairs

Farm building

- It is proposed to refurbish the existing outbuilding to provide for three self contained residential units.
- The farm building would be converted to provide two x two-bedroom and one x three bedroom residential units.
- Repair and refurbishment of farm buildings and their conversion to residential use including:
 - Refurbishment of windows and new windows and doors
 - Re-laying roof with existing clay tiles / slates wherever possible and some new tiles/ slates where necessary
 - Demolition of modern additions/alterations including lowering height of courtyard wall to the original
 - New hopper light for loft access
 - New conservation rooflights
 - Insulation and finishing works to roof and walls
 - Remove external render
 - Roof and floor strengthening and repair
 - Replace rainwater goods
 - Timber roof repairs and treatment
 - New enclosure to staircase within proposed unit 3
 - Brickwork repair including removing paint finish and chemically cleaning
 - Addressing damp issues including additional air bricks
 - Repair/replace chimney stacks and replace flashings
 - Possible extract fans and ductwork for bathrooms and Wcs and extracts for kitchens
 - Installation of electrical and plumbing services and drainage
 - Replacement courtyard paving
 - Timber deck

Boundary walls/listed walls

- The boundary walls to the farmhouse and farm buildings are curtilage listed as they are attached to the listed buildings and are historic walls within their curtilage

Overall Amount of New Build Development Proposed

- It is proposed to erect 26 new build dwellings as part of the development
- The proposed new build residential development would be located to the west and north of the Grade II Listed buildings.
- Each of the properties will either appear as a pair of semi-detached dwellings or a terrace of three houses
- Each of the proposed dwellings would be two-storey with accommodation within the roof space
- Each of the proposed dwellings would have gable end roof spaces with roof lights in both the front and rear roof slopes
- It is proposed to provide 10x3bed dwellings and 16x4bed dwellings.
- Each of the proposed units would have private amenity space to the rear of the dwelling located on the site
- It is proposed to erect 7 car garages/carports as part of the proposed scheme.

Car Parking

It is proposed provide 64 car parking spaces within the development, twelve of which will be located within garage/carports. Of the 64 car parking spaces provided 24 will have electric car charging docking points with a further 12 able to be adapted in the future.

Public Open Space

The proposed development would provide for a public open space either side of the main entrance to the property. This space would continue in a linear layout into the site from Kenton Lane, and would be located on the northern side of the access road.

Landscaping

Currently on site there are significantly established trees within the front of the site within the proposed public open space, and it is proposed to retain these trees. It is proposed to increase the landscaping within the areas identified within the proposal and public open space. It is also proposed to provide some as street side greenery and within some the private gardens of the new build residential development.

Relevant History

LBH/3640 Erection single storey building for recharging electric milk floats
Granted 24th September, 1968

LBH/3640/1 Erection - pumping room, dairy and loading bay
Granted 28th July, 1969

LBH/3640/2 Erection of single storey extension to bottling building
Granted 16-Dec-1970

LBH/28406 Replacement warehouse and charging bay, and extension to car park
Granted 28-Aug-1985

EAST/632/95/FUL Replacement water tower to incorporate telecommunication equipment (6 antenna 1 dish) with revised position of cabin
Granted 13-Nov-1995

EAST/713/99/DTD DETERMINATION: 3 panel antennae on existing mast and equipment cabin
Granted 01-Sep-1999

EAST/960/99/CLE certificate of lawful existing development: milk bottling plant (class b2) and milk distribution depot (class b8) with ancillary related uses including office, retail, storage and residential
Granted 14th January 2000

P/1247/13

Electronic communication notification: Removal and replacement of 3 x existing antennas with 3 new antennas.

No Objection: 30/05/2013

Pre-Application Discussion HA\2011\ENQ\00260

- Enabling application principle accepted subject to sound evidence to demonstrate that the enabling development is the minimum necessary to secure the future of the Listed Building.
- Encourage listed buildings to be secured for future.
- No specific advice given regarding layout and design of development.

Community and Stakeholder Engagement

The Council's Statement of Community Involvement (2006) states that 'ideally the results of pre-application consultation should be included in the planning application and form part of the planning application process'. A Statement of Community Involvement accompanies the application and this document explains the programme of public consultation and community engagement carried out prior to the submission of the application. As part of its programme of community engagement, the applicant held a public meeting to discuss the proposal with the local community, discussions with ward Councillors and also with the Local Planning Authority.

Applicant Submission Documents

Supporting Documentation

Proposed Plans

Architectural Design Statement

Heritage Statement

Building Condition Survey

Cost Appraisal

Commercial Market Report – Options Appraisal

Residential Development and Enabling Development Viability Appraisal

GLA Affordable Housing Toolkit Appraisal

Arboricultural Assessment and associated documents

Landscape Strategy, Statement, Landscape Plan

Public Open Space Landscape Management & Maintenance Programme

Transport Statement

Flood Risk Assessment

Energy & Sustainability Requirements Assessment

Bat Survey Report

Planning Statement

Statement of Community Involvement

Consultations

External Consultees

Environment Agency: No Objection, subject to conditions.

English Heritage: Object to the application. Construction of a residential development on open land will result in a degree of harm to the setting of the farm buildings. In our view it is not possible to mitigate this harm through design as some harm would arise from any form of development on the land which is currently undeveloped. Admittedly this land is presently rather sterile in character, but its open nature helps us understand the form agricultural use of the site.

We are content that the works proposed to the assets themselves are acceptable and thus the listed building consent can be determined in line with your own conservation advice and national policy.

English Heritage Archaeology: Conditions recommend requiring the implementation of a programme of archaeological mitigation and standing building recording.

London and Middlesex Archaeological Society: Object to the proposal: Based on security matters and the site. The proposed new builds would be out of scale with the listed buildings. Better design of the elevations of the new build development would be recommended. No objection to the conversion of the listed buildings subject to conditions regarding design, details and landscaping.

Georgian Society: Objection: On the grounds that the proposals will amount to significant harm to the setting of a Grade II listed building without securing the future of the heritage asset itself.

Natural England: No Objection.

Thames Water/Veolia: Thames Water

Internal Consultees

Highway Authority: No Objection. Highway works required are subject to a S.278 agreement and to be carried out at no cost to the Local Authority.

Landscape Architect: Some concerns in relation to the extent of hardstanding as a result of the forecourt car parking, which should be broken up with tree planting. Further concern regarding the layout of the public open space to the north of the 'northern wing' of the Grade II Listed outbuilding. Scheme would be considered acceptable subject to conditions requiring revised plans and maintenance/management plans.

Tree Officer: No Objection. The Arboricultural Report appears sound and the protection measures in place appear acceptable, Condition should be imposed to ensure these works are implemented.

Conservation Officer: Makes the Following Comment: The proposed new build development would sit within the open space around the Grade II Listed Buildings, and due to the proposed density of new dwellings would alter the setting of the Listed Buildings as the open space helps to understand the former use of the agricultural site. However, with further works agreed to be carried out to both Grade II Listed Buildings on site, this would ensure their future security for the benefit of the community.

Biodiversity Officer: No Objection. All surveys have been carried out in accordance with relevant standard guidance.

Drainage Engineer: No Objection. Conditions recommended in relation to detailed element.

Advertisement/Site Notice

Harrow Observer (Major Application & Setting or a Listed Building) 05/09/2013, Expiry 26/09/2013

Site Notice (Major Application & Setting or a Listed Building) 04/09/2013, Expiry 25/09/2013

Harrow Observer (Departure from the Development Plan) 05/09/2013, Expiry 26/09/2013

Notifications

Sent: 100

Replies: 7

Expiry: 26/08/2013

Summary of Responses

- Loss of view
- No requirement for more housing
- Loss of natural light
- Loss of security
- Will the applicants compensate for all
- The development will devalue the neighbouring properties.
- Rights of light and loss of light and shadowing
- Loss of privacy from velux roof lights overlooking rear bedrooms
- Environmental impacts on wildlife from dust, noise.
- Construction Nuisance from traffic noise/dust.
- Impacts on schools, doctors roads from the rise in population.
- Development would have an impact on people with health issues.
- Environmental impact of demolishing the warehouses that have many years of useful life, they could be put to a community use.
- Large number of dwelling will cause traffic congestion
- The tall dwellings are too close to the adjoining common boundaries
- Allotment gardens would have been better form a community and environmental point of view.
- Low rise housing suited to the elderly generating no peak hour traffic would also be better suited to the site.
- Air quality issues as a result of the extra cars
- Highway safety with regard to the extra vehicles using the main entrance onto Kenton Lane.

Basis for Assessment

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework (NPPF), which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

MAIN CONSIDERATIONS

- 1) Principle of the Development
- 2) Impact on the Visual Amenities of the Character and appearance of the Area and Local Open Space
- 3) Traffic, Parking, Access, Servicing and Sustainable Transport
- 4) Impacts on Biodiversity
- 5) Housing Provision and Affordable Housing
- 6) Residential Amenity
- 7) Impact on Heritage Assets
- 8) Flood Risk and Drainage
- 9) Land Contamination and Remediation
- 10) Sustainability and Climate Change Mitigation
- 11) Trees & Development
- 12) S17 Crime & Disorder Act
- 13) Equalities Implications
- 14) S.106 Obligations and Infrastructure
- 15) Mayoral CIL Liability
- 16) Consultation Responses

1) PRINCIPLE OF THE DEVELOPMENT

The National Planning Policy Framework (NPPF) was published by the Government on March 27th 2012. The NPPF does not change the law in relation to planning (as the Localism Act 2012 does), but rather sets out the Government's planning policies for England and how these are expected to be applied. It remains the case that the Council is required to make decisions in accordance with the development plan for an area, unless other material considerations indicate otherwise (S.38(6) of the Planning Act). The development plan for Harrow comprises:

- The London Plan 2011
- The Harrow Core Strategy 2012
- The Harrow Development Management Local Policies Plan (2013)

The NPPF sets out policies and principles that local planning authorities should take into account, when both preparing local plans, and determining planning applications. The policies within the NPPF are a material consideration that should be given significant weight. Of particular note within the NPPF is the (much debated) requirement that there is a presumption in favour of sustainable development. Paragraph 6 of the NPPF states that 'The policies in paragraphs 18 – 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system' and paragraph 7 sets out three dimensions of sustainable development:

An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The Government announced its intention to introduce the presumption in favour of sustainable development (in the 2011 budget and the ‘Planning for Growth’ paper) in 2011 and issued a draft NPPF for consultation. Both the emerging presumption and draft NPPF were in the public domain before the Examination in Public hearing sessions of Harrow’s Core Strategy in late summer 2011. Upon the advice of the examining Planning Inspector, the Council undertook a post-hearings re-consultation exercise to *inter alia* solicit views about the implications of these for the Core Strategy. Paragraph 7 of the Planning Inspector’s report into the soundness of the Core Strategy confirms that he took into account representations received in respect of these matters. The published NPPF formalises the presumption in favour of sustainable development and carries forward the thrust of the Government’s intentions for a streamlined, pro-growth national planning policy position as set out in the 2011 draft. Officers are therefore confident that the Core Strategy (2012) is in general conformity with the published NPPF and that, taken together with the London Plan (2011), there is a clear and up-to-date Development Plan for the delivery of sustainable development in Harrow.

The Core Strategy (2012) sets out Harrow’s spatial strategy for managing development and growth in the Borough over the plan period from 2009 to 2026. The strategy provides a positive plan for ensuring that the Borough’s housing, employment, infrastructure and other needs are met over the plan period in a way that contributes to achieving sustainable development.

The application site is located within Local Open Space. Core Strategy policy 1(4) states that the Council will resist and net loss of open space and where possible seek to increase provision. Under Core Policy 1(5) it goes onto state that it will seek to enhance residents access to open space, recreation, health care, education and community facilities. Policy DM18 of the Harrow Development Management Plan (2013) further provides protection of Open Space from development. However, it goes onto state that the Council would be able to support development within Open Space where it would;

- a) form part of a comprehensive and deliverable scheme
- b) there would be no net loss of open space;
- c) the reconfiguration would achieve enhancements to address identified deficiencies in the capacity, quality and accessibility of open space, and it would secure a viable future for the open space
- d) the reconfiguration would not be detrimental to any environmental function performed by the existing open space.

Whilst there is a presumption against development in, and the loss of Open Space Land borough wide, the application site has been included within the adopted Allocated Sites DPD (2013). This document identifies the application site as being allocated to provide for 32 (30 net) new homes to add to the housing stock. However, any housing

development must not result in a net loss of open space, must enhance the setting of the listed buildings on site, and the design and layout must be sensitive to the relationship with the surrounding residential properties. Furthermore, the designated open space onsite is of potential value to the community as public open space. As such any development on this site should secure public access to the open space on the site.

Policy DM19(A) of the Harrow Development Management Plan (2013) also states that any major new residential development would be supported where they make provision for new open space, or enhancement to existing open space, which meets the needs of the occupiers of the development and contributes to the mitigation of identified in the quantity, quality and accessibility of open space.

The application is allocated by the Site Allocations DPD (2013) allows for 32 (30 net) houses within the local open space. As such this document allows for the residential development on the site. However, this would be subject to securing the Grade II Listed buildings, a public open space provision, and having a sensitive relationship with adjoining neighbouring properties. Whilst it is acknowledged that there would be a loss of open space as part of this application, this needs to be weighed against the benefits that can be provided from the development, such as securing the future of the Grade II listed buildings, provision of publicly accessible open space, and a contribution to the housing stock of the borough.

The proposal residential development would provide a comprehensive scheme that would include new build residential dwellings, refurbishment of the Grade II Listed buildings, provision of new publicly accessible open space, landscaping. The proposed development would accord with the intentions of the Site Allocations DPD (2013) by providing 31 net new homes for the borough. However, it is noted that the proposed scheme would result in the net loss of open space as part of the development.

The proposed residential development within the local open space, based on the figures provided by the applicant, been demonstrated through viability assessments as the minimum development required to secure the future of the Grade II listed buildings on site. The works to the listed buildings include the removal of additions which are of no architectural merit and their removal would enhance the listed buildings. The proposed works would result in the conversion of the Grade II listed buildings into residential units, which would ensure the listed building future would be secured by bringing them back into function and use. The works to the Grade II listed buildings secure their future, and bring a heritage asset back into use for the benefit of the community.

It is also stated that there should be an open space provision of 0.69ha in conjunction with a housing development under the Site Allocations SPD (2013). It is noted on the proposed plans that there would be public open space that would be 3068.1sqm (0.3 hectares) which is short of the figure stated within the Site Allocations DPD (2013). It is noted that currently the site has designated open space within it, although this is private local open space with no public access provided. The protection of the local open space, whether private or public, is not differentiated between with both afforded the same protection. However, in this instance the proposed application would be able to both provide for housing within an allocated site, for which there is a need for within the borough, and would also provide for public access to local open space. The proposed development would provide for approximately 0.3ha of public open space on site, which would increase the publicly accessible open space within the area. It is considered that even with a shortfall of local open space being provided, there would be an increase in

functionable and useable public open space which would be of a benefit to the local community.

In conjunction with the site being an allocated site within the Site Allocations DPD (2013), Core policy 6 aims to deliver a number of 6050 net additional homes between 2009 and 2026. The proposed development would therefore assist the Council in delivering these homes within the borough, without having to place pressures on non-allocated sites such as rear gardens or greenbelt lands. It is considered that the provision of new housing which there is an identified shortfall across the borough, would provide a range of housing types and be of a benefit to the community.

The proposed development would result in 31 (net) new dwellings within the borough, which the application site is identified within the Site Allocations DPD (2013) has being capable of providing. It is acknowledged that the proposed scheme would result in a net loss of open space within the site. However, the proposed scheme would provide an increase in publicly accessible open space within the locality. Furthermore, the proposed scheme would secure the heritage assets within site, and provide 31 (net) new homes to the housing stock of the borough. As such, it is considered that on balance, the proposed benefits provided by the scheme through an increase in publicly accessible open space, securing the two heritage assets, and an increase in housing stock, would outweigh the loss of part of the local open space from within the site. It is therefore considered that in principle, the proposed scheme would accord with Core Strategy policy 1(4), policy 3.6, 7.18 of the London Plan (2011), and policies DM1, DM7, DM18 and DM19 of the Development Management Plan (2013).

2) IMPACT ON THE VISUAL AMENITIES OF THE LOCAL OPEN SPACE AND ON THE CHARACTER AND APPEARANCE OF THE AREA.

Policy Context and Key Design Considerations

The NPPF states (paragraph 64) that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. The London Plan (2011) policy 7.4B states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment. Core Strategy policy CS1.B states that 'all development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design'. Policy DM1 of Harrow's Development Management Plan (2013) requires all development proposals to achieve a high standard of design and layout.

Core Strategy policy CS1(4) states that the Council will 'Resist any net loss of open space and where possible seek to increase provision'. This core policy is in line with the outcomes of the recent PPG17 Study (2010) which assessed the quantity and quality of open space within the borough. Whilst it is acknowledged that there is a general resistance to the net loss of local open space (private or public), there is also an incentive to ensure an improvement of access to, and the quality of, Harrow's existing open space, so that more residents can make use of this important resource for recreation and wellbeing and to seek modest increases where opportunities arise. Following on from this, policy 18 of the Harrow Development Management Plan (2013) seeks to protect Open Space areas within the borough. Specifically, Section A states that '*Land identified as open space on*

the Harrow Policies Map will not be released for development'. Notwithstanding this and mentioned previously, the property is identified within the Harrow Site Allocations DPD (2013) as being capable of providing for 32 (30 net) residential dwellings.

Whilst there will be a loss of open space per se, the property is currently owned privately and as such there is no right of access to the open space. Though the proposal will lead to a decrease in the overall open space stock within the borough, it will increase the public open space provision. The proposed public open space would be provided for along the existing access road to the main part of the site, and within the existing lawn located between the farmhouse and Kenton Lane. The proposed public open space is also capable of providing children's play space. The appropriate siting of the public open space would ensure that a functionable and useable space would be provided for the local community, and would increase the publicly accessible open space within the borough. A management plan to ensure the ongoing maintenance of this open space would be secured via a S.106 agreement.

It is therefore considered that whilst there would be a net loss of local open space as proposed under this scheme, this net loss would be off set by providing useable and functionable public open space within the site. The appropriate siting of the publicly accessible local open space ensures that there is a satisfactory level of open space within the site. Furthermore, the appropriate siting of this will ensure that key views into the site, in conjunction with soft landscaping within this area, will retain an open space feel to the site rather than a comprehensive housing development.

The proposed development would result in a loss of the local open space to the west and north of the Grade II Listed Buildings. It is acknowledged that there would be a marked difference to the character of the area. Currently much of the site is as an open field, and associated characteristic of the former use of the site as a dairy factory. The proposed development will see the open space to the west and north of the site redeveloped into a residential development.

The proposed residential development would result in a change of character of the application site to be more in line with the prevailing character of development within the area, as the site is effectively surrounding by residential development. The surrounding residential properties are characterised as Metro Land development, with predominantly semi-detached dwellings set within relatively large rear gardens. Many of the houses fronting onto Kenton Lane, Ivanhoe Drive and Tenby Avenue which surround the properties, have been modified in many differing ways. A number of these alterations have included the alterations of the loft spaces to provide for hip to gable conversions and rear facing box dormers. These changes provide a distinctive feature within the streetscene with the hip to gable features significantly altering the roof profiles.

The proposed new build residential development has been designed in a manner that would respond to both the character of the surrounding residential properties, and also paying respect to the character of the Grade II Listed Buildings within the site which are synonymous with the rural character associated with the former use as a dairy factory. The proposed dwellings within the new build development have drawn design queues from both within the site and from the surrounding residential areas.

The proposed new build dwellings would be either semi detached style dwellings or terrace style dwellings made up of three separate residential units. Each of the proposed units would be gable ended with accommodation within the roof slope. The new build

dwellings do not propose box dormers within the roof space. The proposed new build dwellings would be unfussy and simple with their appearance, and would not result in a development that would be at odds with the relatively metro land properties surrounding the application site. Whilst it is acknowledged that the proposed new build dwellings would be simple and unfussy in appearance, there are still features such as chimneys, modest front door canopies and window detailing which provides an element of interest to the dwellings. Furthermore, the appropriate materials proposed, which are subtle and earthy in appearance, would be considered suitable in the context of both the surrounding metro land development and the Grade II Listed Buildings on site.

The proposed new build development proposes to have a mixture of forecourt car parking and garage/carport car parking. The proposed forecourt parking as demonstrated on the proposed plans indicates that there would be excessive continuous blocks of forecourt carparking which is comprised of hardstanding in front of blocks D, E, F, G, H, I, J, and K. By breaking these areas up with soft landscaping, preferably trees, this would ensure that the front forecourts appear more visually aesthetic and would enhance the appearance of the development. It is considered that a revised landscape scheme could be provided to overcome this concern, and a condition requiring a revised landscape scheme has been attached to secure this.

Whilst ensuring that the character of the wider residential area is maintained through the new build development, it must also ensure that the character of the new build does not unacceptably impact on the character of the listed building. This will be discussed under section 7 of this appraisal. However, it is noted that the layout of the new build residential development has responded to the on site restrictions that are presented. The layout results in ensuring that the development is located to the north of the existing main entrance, and beyond the Grade II Listed Buildings to the rear. Whilst it is noted that this layout is not a traditional metro land form or design, it is a conscious reaction to the presence of the Grade II Listed Buildings on the site. The proposed layout of the development ensures that the key vista into the site, which is currently open space and the Grade II Listed Buildings is retained as much as possible. The set off to the north of this vista and to the rear of the Grade II Listed Buildings ensure that the focal point of the remains the open vista into the site and the Grade II Listed Building.

Conclusion

Having regard to the requirements of the NPPF, the Development Management Plan, it is considered that the design of the proposed new build dwellings, is appropriate. The development would deliver a number of benefits, such as securing the future of two Grade II Listed Buildings, an increase in the provision of publicly accessible open space, and a contribution to the borough's housing stock for which there is a demand for.

Subject to safeguarding conditions, the scheme would positively impact on the visual amenities of the Local Open Space, and on balance would have an acceptable impact on the character of the area in line with NPPF and development plan.

3) TRAFFIC, PARKING, ACCESS, SERVICING AND SUSTAINABLE TRANSPORT

Policy Context

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also contribute to wider sustainability and health objectives. It further recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from

urban to rural areas. London Plan policy 6.3 states that 'development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed'. Policies 6.9 and 6.10 relate to the provision of cycle and pedestrian friendly environments, whilst policy 6.13 relates to parking standards. Core Strategy policy CS1Q seeks to 'secure enhancements to the capacity, accessibility and environmental quality of the transport network', whilst policy CS1R reinforces the aims of London Plan policy 6.13, which aims to contribute to modal shift through the application of parking standards and implementation of a Travel Plan.

Site access/Internal road layout and refuse/servicing arrangements

Two existing vehicular access/egress points would continue to be utilised. The existing most northerly access would be the principal access into the site utilised by the enabling part of the proposal which consists of 26 residential units and the 'lesser' southern access would be used by occupants of the 2 units within the converted farm house leading to a double garage. Both access/egress points are considered acceptable in terms of the low quantum of proposed vehicular activity and safety parameters relating to sight-line inter-visibility between motor vehicles and pedestrians.

The road space within the site would remain private and as such is designed to minimal dimensional specification and as such promotes low vehicular speeds throughout the site. This low speed environment supports and enhances the integration of motorists and the remaining users of the roadways such as pedestrians by encouraging pedestrian priority over the motor vehicle.

Adequate road space is allocated to allow refuse/service vehicles to traverse through the site without impedance with suitable turning facilities provided at several junctures within the site envelope. Refuse and similar scale vehicles such as fire appliances would enter and leave the site in a forward gear.

Traffic Generation

A London database of trip generation for different land uses (TRICS) has been applied by the applicant to illustrate a predicted impact on the local road network.

The analysis is therefore based on the net change in traffic generation as compared with the existing B8 storage operation and proposed housing units.

It is accepted that the net increase of traffic activity associated with this scale of proposal would be expected to amount to less than a twelve vehicles entering/leaving the site during both morning and evening peak hour traffic periods. i.e on average one vehicle movement every 5 minutes.

This figure is considered de-minimis in measurable highway impact terms as compared to overall traffic flows in the area and therefore the proposal is acceptable in this respect.

Car Parking

The total number of on-site parking spaces equates to 61 for the new C3 use which consists of 31 residential units in total. The overall parking ratio marginally exceeds the upper provisions as stated within the London Plan 2011. However, it is considered that a reasonable balance between parking restraint and scheme viability has been achieved given the site's relatively low accessibility level, in public transport terms, of PTAL 2. The level of parking provision will also assist in reducing the likelihood of unfettered parking displacement onto the public highway which the Council wishes to avoid. On that basis

the level of provision of 64 spaces for the proposed 31 units is considered acceptable.

The parking bays are arranged in various designs with space allocations close to or predominantly within individual plots for the houses/flats with some 'courtyard' arrangements serving the 3 residential units contained within the Grade II listed former dairy outbuilding element and a double garage serving the 2 units contained within the converted farm house. Fourteen of the proposed spaces will be garages with incorporated Electric Charging Points with a further 12 spaces for future provision which complies with LP 2011 requirements. The proposed arrangements are broadly acceptable in design layout and operational terms.

Blue badge disabled bay provision should amount to approximately 5 spaces allocated throughout the site and 6 have been provided.

Cycle Parking

There should be a provision of 61 secure and accessible spaces in total to serve the residential mix in accord with the London Plan 2011. These provisions would be secured by appropriate condition. The applicant has indicated an acceptance of this quantum.

Pedestrian Access to the Public Open Space

The existing area on the site frontage would become public open space and as a result would potentially attract additional footfall from the local neighbourhood. In order to help facilitate the additional footfall expected as a result of the development and this open space provision it is proposed to introduce a pedestrian refuge in Kenton Lane just north of Grange Avenue. This will assist new and existing pedestrians in their travels.

The proposed highway works would be executed under a s278 (Highways Act 1980) legal agreement at no cost to the Council.

Construction Logistics Plan (CLP)

A full Construction Logistics Plan will be a requirement to be secured under a planning condition given the site constraints and neighbouring residential area during construction.

It is therefore concluded that on balance the development is acceptable and that the design put forward by the applicant is satisfactory in operational terms and does not measurably affect road capacity or prejudice vehicular/pedestrian safety in the vicinity. And as such would accord with policies DM1, DM42, DM43, DM44, and DM45 of the Harrow Development Management Plan (2013).

4) IMPACTS ON BIODIVERSITY

Policy context

The NPPF states that the planning system should contribute to and enhance the natural environment (paragraph 109) recognising that distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status (paragraph 113). The NPPF also applies the following principles to the determination of planning applications (paragraph 118):

- if significant harm cannot be avoided, adequately mitigated or (lastly) compensated, then permission should be refused;
- if an adverse effect on a Site of Special Scientific Interest (SSSI) is likely, either individually or in combination with other developments, the development should not normally be permitted;
- opportunities to incorporate biodiversity should be encouraged; and
- development resulting in the loss or deterioration of irreplaceable habitats should be refused unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Policy 7.19.C of the London Plan requires development proposals to make a positive contribution to the protection, enhancement, creation and management of biodiversity, wherever possible. Policy CS1 of the Harrow Core Strategy seeks to safeguard ecological interests and, wherever possible, provide for their enhancement. Saved policies EP26 and EP27 of the HUDP are concerned with species protection, and the conservation and enhancement of biodiversity. Policies DM20 and DM21 of the DMP (2013) seek the protection and enhancement respectively of biodiversity and access to nature.

When determining a planning application for a development which has an impact on European Protected Species, the Local Planning Authority (LPA) has a legal duty under the Conservation of Habitats and Species Regulations 2010 to take into account the three derogation tests contained within Article 16 the Habitats Directive 1992.

Ecological designations:

§ There are no international or national ecological designations on the application site.

The demolition or renovation of buildings containing bat roosts has the potential to cause an offence under the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations).

In support of the planning application, a Bat Survey Report has been undertaken and included the two listed buildings and the free standing outbuildings currently in situ that are proposed to be demolished. The Bat survey concluded that the free standing outbuildings which are a much later addition to the property, are secure and not accessible internally to bats. The Grade II Listed Farm House is also secure and internally there was no presence of bats. The proposed Listed Farm Buildings are not secure and access internally would be achievable. However, the evidence submitted in the Biodiversity Report supporting the application, carried out surveys of these building and found that there were no bats present. Furthermore, there did not appear to have been any historical presence of bats within the listed farm outbuildings.

The biodiversity report submitted in support of this planning application demonstrates that there is no current evidence or indeed no historical evidence of bats on the site. The Council Biodiversity officer has reviewed the evidence submitted and has considered that the assessment is sound and that the proposed development would not have any impact on the bat population.

5) HOUSING PROVISION AND AFFORDABLE HOUSING

Housing Mix

London Plan policy 3.9, Core Strategy policy CS1.I and policy DM24 of the Harrow Development management Plan (2013) 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.

Core Strategy policy CS1.H seeks to allocate sufficient previously developed land to deliver at least 6,050 net additional homes between 2009 and 2026.

The current planning application was submitted for consideration to the Council in December 2012, which proposed alterations to and conversion of the listed buildings, development of 27 houses and the formation of new public open space. Consequently, the adopted Site Allocations DPD (May 2013) anticipates that the site will deliver 32 (30 net) new homes. On this basis a proposed scheme should also provide 0.69ha of Public Open Space.

The current proposal would contribute 31 new residential units to the Borough's housing supply, being 26 new build dwellings and 5 new residential units within the Grade II listed buildings. The following table provides a breakdown of the types of dwelling to be provided for on site.

Conversion of Listed Buildings				
		Plot No.	Bedrooms	GIA
Farm House		1	3B	273.4sqm
		2	3B	81.9sqm
Farm Outbuilding		3	2B	230.5sqm
		4	2B	149.1sqm
		5	3B	136.6sqm
Total			2x2B, 3x3B	871.5sqm
New Build Residential				
Block	Block Type	Plot No.	Bedrooms	GIA/unit
A	3	6	4B	129.7sqm
		7	4B	129.7sqm
B	2	8	3B	107.8sqm
		9	3B	107.8sqm
		10	3B	107.8sqm
C	6	11	4B	129.7sqm
		12	4B	129.7sqm
		13	4B	129.7sqm
D	1	14	3B	107.8sqm
		15	3B	107.8sqm
E	5	16	4B	129.7sqm
		17	4B	129.7sqm
F	4	18	4B	129.7sqm
		19	4B	129.7sqm
G	2	20	3B	107.8sqm
		21	3B	107.8sqm
		22	3B	107.8sqm
H	3	23	4B	129.7sqm
		24	4B	129.7sqm
I	4	25	4B	129.7sqm
		26	4B	129.7sqm
J	1	27	3B	107.8sqm
		28	3B	107.8sqm
K	7	29	4B	129.7sqm
		30	4B	129.7sqm
		31	4B	129.7sqm
Total		26	10x3B 16x4B	3153.2sqm
Garage Schedule				
Garage	Serving Plot No.			
1	10, 11			
2	13, 15			
3	4, 5			
4	20			
5	24,25			
6	30, 31			
7	1, 2, 3			

It is considered that the proposed housing mix outlined above would be acceptable and the proposal would deliver a satisfactory choice of housing in line with the requirements of paragraph 50 of the NPPF, policies 3.3, 3.4, 3.5 and 3.8 of the London Plan (2011, and policy DM24 of the Harrow Development Management Plan (2013).

Housing Density

The submitted Plans set out the maximum quantum of residential units within the application site. Table 3.2 of the London Plan provides density ranges for central, urban and suburban settings. The application site is considered to fall within the suburban setting. Contrary to the planning statement, the application site has a PTAL of 2 which is average.

	Site Area	Maximum no. of units	Units per ha.
	1.4ha	31	9.1

Table 3.2 of the London Plan (2011) should not be applied mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimizing potential – local context, design and transport capacity are particularly important, as well as social infrastructure (Policy 3.16), open space (Policy 7.18) and play (Policy 3.6). In this case the lower density is considered to be appropriate as it would limit the amount of new build development within the setting of the two Grade II Listed Buildings. Furthermore, the number of proposed new build dwellings, has been demonstrated within the viability documentation submitted in support of the application as being the minimum amount of development to secure the two Grade II Listed Buildings. This allows for the proposed new build dwelling to have an appropriate set off from the Listed Buildings, and ensure that they would not be overbearing to these heritage assets.

Affordable Housing

Policy 3.12.A/B of The London Plan requires development to provide the maximum reasonable amount of affordable housing having regard to current and future requirements, adopted affordable housing targets, the need to encourage rather than restrain residential development, the need to promote mixed and balanced communities, the size and type of affordable housing needed in particular locations and the specific site circumstances of individual sites.

There is an identified shortfall in affordable housing at borough, regional and national level and the Council will therefore seek the maximum reasonable amounts of affordable housing in each new development. The applicant does not propose to provide any affordable housing as part of the scheme. The applicant has submitted details of the financial viability of the scheme, based on the GLA Three Dragons Toolkit, in support of the application and the Council’s Housing Officers have considered the details contained therein. The provision of providing no affordable housing is based on the enabling development argument, that the amount of new build dwellings would be the absolute minimum to bring the listed buildings back into use, and for the shortfall of the public open space provided. The provision of affordable housing would lead to a decrease in the projected value of the scheme, which may then lead onto the scheme becoming unviable. Alternatively, by providing affordable housing, the value of the scheme may require to be increased which would result in further dwellings than the 26 being proposed which may lead to increased harm on the heritage assets on the site.

Notwithstanding the above, a number of variables may increase the possibility of providing additional affordable housing within the scheme/borough. Explanatory paragraph 3.75 of The London Plan recognises that “in making assessments for planning obligations, boroughs should consider whether it is appropriate to put in place provisions for re-appraising the viability of schemes prior to implementation”. In line with policy 3.12.A/B therefore in order to maximise the reasonable provision of affordable housing within the scheme, a mechanism will be inserted into the s106 Agreement requiring the appraisal of the scheme once a trigger point of occupancy is reached. Such an approach is considered justified in light of the changing economic circumstances.

6) RESIDENTIAL AMENITY

Policy Context

Policy 7.6.B of The London Plan (2011) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Policy DM1 of the Harrow Development Management Policies (2013) similarly seeks to ensure that the amenities and privacy of neighbouring occupiers is not adversely affected by development.

Amenities of Neighbouring Occupiers

The application site is substantially surrounded on all sides by residential properties fronting onto Kenton Lane, Ivanhoe Drive, and Tenby Avenue. The surrounding area, including these three roads, are characterised as Metro Land Development. Each of the adjoining properties that back onto the application site are noted as having relatively large rear gardens. For the most, the proposed new build development would have sufficient rear gardens, which allow for a satisfactory set off from adjoining neighbouring properties. However, it is noted that the properties that are located in the corners of the site, would be positioned substantially closer to the common boundaries with adjoining neighbours. Specifically, plots 11, 13, 14, 24, and 25 are all located within 10m of the common boundaries. However, it is noted that these plots where they are at their closest to the common boundaries, would be orientated at an oblique angle to the adjoining boundary. Therefore whilst it is acknowledged that they are situated in close proximity to the common boundaries, their appropriate orientation ensures that the bulk of the proposed dwellings would be at such an angle that there would not be an oppressive flank or rear elevation directly facing the common boundaries. It is therefore considered that the proposed development would not unacceptably harm the amenities of neighbouring occupiers through a loss of outlook.

As mentioned previously, a number of the proposed units would share a relatively traditional residential back to back relationship with the adjoining neighbouring properties on the surrounding roads. Given this relationship, the proposed windows would be in excess of 21m from habitable room to habitable room with the adjoining neighbouring properties. It is therefore considered that the proposed units that share a traditional relationship with the neighbouring properties, would be of a satisfactory distance and would not result in unacceptable harm to the amenity of the neighbouring occupiers through a loss of privacy or overlooking. Proposed plots 11, 13, 14, 24, and 25 are all noted as being within close proximity to the adjoining neighbouring properties, and as such have the potential to lead to a loss of privacy or overlooking for the properties that adjoin the site at these plot locations. Again, the oblique angle that these dwellings are located within their respective plots to the adjoining properties, would ensure that there would be no unacceptable harm to the occupiers of the adjoining neighbours amenity through a loss of privacy or overlooking.

Proposed garages G1, G2 and G5 are all located in close proximity to the common boundary, however these are noted as being single storey and as such would not result in any unacceptable loss in outlook or light to adjoining occupiers.

The existing listed buildings are proposed to be converted into residential units. The existing farm house is already, and has historically been in residential use. It is not proposed to undertake any external works to this dwelling that would lead to any unacceptable loss of amenity to neighbouring properties through a loss of privacy or overlooking. The existing farm building is proposed to be converted into three self-contained units. As part of the proposed conversion, there would be removal of structures that were later extensions to the listed farm building, and are noted as not being part of its statutory listing. It is not proposed to insert any roof lights in the south facing roof slope of proposed unit No. 3 which would face the rear of the properties fronting onto Ivanhoe Drive. Roof lights are proposed to be inserted into the south facing roof slope of unit No. 5, and would sit within existing opening and provide light to habitable rooms within the roof space. However, given the distance of in excess of 40m to the rear elevations of the neighbouring properties fronting onto Ivanhoe Drive, it is considered that these would not result in any unacceptable harm to the amenities of those occupiers through loss of privacy or overlooking. Furthermore, the single storey element of this same structure which is located on the southern boundary (proposed unit 3), would assist in screening this element from adjoining neighbouring properties.

Objections have been received at the loss of the view across what is currently a relatively open field, which would become a housing estate. Whilst it is acknowledged that the proposed development would substantially change the view the existing neighbouring neighbours currently enjoy, there is no mechanism within the Town & Country Planning Act (1990) that allows for the protection of a view.

It is acknowledged that there will be a change in the use of the property, which would as a result of the residential nature of the development, lead to a potential increase in noise and disturbance from the site. However, given that the majority of the properties back onto the adjoining properties in a somewhat traditional sense, which would be similar to a traditional residential relationship between residential properties between two streets. Given this, and the residential use of the proposed development, any noise and disturbance associated with it would be considered to be acceptable and would not unacceptably harm the amenity of neighbouring occupiers. Furthermore, vehicle movements to and from the site would be associated with the residential use and would not be a 'through road'. Therefore it is considered that the proposed development would not lead to an increase in noise generated by vehicle movements that would result in an unacceptable level of noise and disturbance.

It is acknowledged in section 4 above that there would be an uplift in traffic movements in the area mainly as a result of the proposed residential element of the scheme. An objection has been received which raises concerns over the impact of these additional traffic movements on neighbouring amenity,

The rear gardens of the properties are for the most relatively large, and would be capable of providing further soft landscaping. A condition securing landscaping along the common boundaries, especially along the points of the boundary where the proposed units are at their closest to neighbouring properties, would both assist in softening and enhancing the appearance of the site and will allow for further privacy screening between the proposed development and adjoining neighbours.

The proposal would therefore, subject to conditions, ensure that an acceptable impact on the amenities of neighbouring residential occupiers would be provided, in accordance with the requirements of policy DM1 of the Harrow Development Management Plan (2013) and the Residential Design Guide SPD.

Living Conditions of Future Occupiers

On the basis of the information provided, Officers are satisfied that the proposed houses could comply with the space standards set out in the London Housing Design Guide and the Residential Design Guide SPD (2010). Each of the dwellings provide habitable rooms that would meet the internal rooms sizes as set out in the London Plan Housing SPG (2012). It is noted that each of the properties would significantly exceed the minimum gross floor areas for their respective occupancy levels. As such it is considered that the proposed habitable rooms would be functionable and provide a satisfactory level of light and layout for future occupiers. However, it is noted that the proposed units provided would not provide for wheelchair accessible bathrooms on the ground floor of the units. The ground floors of the proposed dwellings are considered to be of a suitable size to allow wheelchair accessible units to be provided for. It is considered reasonable that 10% of the proposed new build development is able to be met wheelchair accessible standards, and as such it is recommended accordingly that a condition be attached requiring a revised layout demonstrating how 10% of the proposed units are wheelchair accessible.

Traditional relationships across the internal roads are not dissimilar to a traditional metro land development between facing front elevation. Furthermore, the rear elevation relationships between the internal new buildings are also of a similar to a traditional residential situation. Given this relationship it is considered that here would not be any unacceptable harm to the amenities of future occupiers from a loss of privacy or overlooking.

The Grade II Listed farmbuilding is proposed to be converted into three self contained residential units. Proposed units 3 & 4 would be located within the two-storey element of the farm building, with proposed unit 3 having living accommodation on the ground floor with ancillary storage within the loft space. Proposed unit 4 would be located in the western two-storey element of the farmbuilding and would have living on the ground floor and within the first floor along with ancillary storage space. Proposed unit 5 in the southern 'wing' of the farmbuilding would be converted into a three bedroom unit with a ancillary workshop within the south western corner. Proposed unit 5 would be limited to the ground floor only.

In changing the use of the farmbuilding from its former dairy use to a residential use, some external works have been undertaken to provide access and light to the units. As the building is Grade II listed it is encouraged to limit the amount of physical works to the listed fabric of the building. Limiting the amount of physical works to the farmbuilding ensures that the character of the listed building is maintained. However, it is recognised that the some works are required to ensure that a satisfactory level of accommodation is

able to be provided for future occupiers. It is considered that each of the proposed units within the farm building would provide a satisfactory level of accommodation for future occupiers, as each of the rooms are of an adequate size and layout to ensure that they the units are functional. Furthermore, each of the habitable rooms would receive a satisfactory level of natural light.

The layout of the existing outbuilding, in a 'U' shape has the potential to lead to privacy issues between the three proposed units. Located between the 'wings' would be a communal open courtyard, which would separate the northern and southern wing by approximately 14.3m. This distance would be short of 21m which is considered to be a traditional elevation to elevation relationship in a residential setting. The rooms that are located along the inside elevations are noted as being habitable rooms, and as such may lead to a loss of privacy between proposed unit 3 and 5. However, given the nature of converting an existing building of this nature, some level of privacy loss would be expected.

Proposed unit 4 would be located within the south 'wing', and would be at an oblique angle to proposed unit 3 & 5. Whilst it is acknowledged that there would be again be some loss of privacy to the units, it would be to a lesser degree given the oblique angles. Furthermore, only one habitable room on the ground floor (bedroom 1) of proposed unit 4 would have a window facing into the communal court yard. Proposed unit 4 would have two habitable rooms located within the loft space, and the proposed plans demonstrate that there would be no windows within the roof slope that would lead to an unacceptable level of overlooking to the adjoining occupiers of proposed Units 3 & 5.

Each of the proposed units would have a workshop or workshop/studio as part of the ground floor accommodation. Whilst it is considered acceptable in principle of have a workshop as part of the residential accommodation, it would have to be ancillary to the use of that residential property. This provision of workspace that is ancillary to the residential nature of the development would therefore accord with policy DM33 of the Development Management Plan (2013). Any potential noise nuisance that may arise from the use of these workshops would be able to be dealt with under the Environmental Protection Act.

The proposed units within the farm building have not been provided functional and defensible private amenity space. However, it is acknowledged that the internal court yard is available for communal amenity space, and the proposed units would have publicly accessible open space directly to the north of the listed farm building. It is considered that the future occupants of the listed outbuilding, whilst not having access to direct defensible and functional amenity space, would have a satisfactory level of access to open space. Directly to the north and west of proposed unit 3 and 4 respectively, publicly accessible open space is present. The public accessible space directly up against the proposed units would potentially lead to a loss of privacy to the occupiers of proposed units 3 & 4 from users of the private amenity space. It is considered that a suitable landscaping condition could be imposed to provide some form of screening along these elevations to provide some privacy to the occupiers of these units.

To the north of the 'north wing' a number of habitable rooms look directly onto the public open space. People using the publicly accessible open space are therefore able to view directly into the habitable rooms of the occupiers of unit 5, therefore harming their amenity through a loss of privacy. Furthermore, the occupiers of Blocks I, J and K have a communal footpath which takes them directly past the windows serving the habitable rooms of Unit 5 when walking to Kenton Lane. It is therefore considered that this relationship would unacceptably harm the amenity of future occupiers of unit 5 again through a loss of amenity. However, it is considered that a revised layout of this public open space could overcome the loss of privacy to this unit and would not result in any loss of publicly accessible open space. A condition securing this has been attached accordingly.

It is considered that on balance, and subject to appropriate safeguarding conditions, the proposed new build dwellings and the conversion of the listed outbuilding would provide satisfactory levels of accommodation for future occupiers. It is therefore considered that the proposed accommodation is satisfactory and as such would accord with policy 3.5 of The London Plan 2011, policies DM1 of the Harrow DMP (2013), and the Residential Design Guide SPD (2010).

Private amenity space is provided for each of the new builds. The proposed quantum is considered to be acceptable, and each of the private amenity spaces would be functionable, useable and defensible and in line with London Plan (2011) thresholds.

The Grade II Listed farm house which is to be retained as two self contained flats have been allocated private open space. The boundary treatment for each of these two private amenity spaces has not been detailed. However, it is considered that the proposed private amenity space is acceptable in principle, and the detail on how they would be private and defensible could be secured by way of condition.

Children's Play Space

London Plan policy 3.6 requires development proposals that include housing to make provision for play and informal recreation, based on the expected child population of the scheme and an assessment of future needs and this is re-inforced by Core Strategy policy CS1. The Mayor's SPG 'Providing for Children and Young People's Play and Informal Recreation' (2012) contains more detailed guidance, including a benchmark of 10sqm of usable playspace per child. However, the Council's Open Space, Sport and Recreation Study, as carried through in DM28 of the Harrow Development Management Plan (2013) sets the requirement for Harrow at 4sqm of usable playspace per child.

It is anticipated that there will be approximately 24.58 children within the proposed development. This calculation is based on the proposed housing mix. The applicant would be required to provide 98.32sqm of children and young people's play facilities. It is noted that the proposed plans do not provide a dedicated area of play space. However, it is noted that there is sufficient space available within the site to provide for this quantum of play space.

Detailed designs of the play spaces are not before the Council at this time, although an appropriate condition would ensure that this shall be provided and appropriate plans demonstrating its location, scale and design shall be submitted to the Council to be assessed accordingly. It is therefore considered that the proposed development, subject to an appropriate safeguarding condition, would comply with policy 3.6 of the London Plan (2011), and policy DM28 of the Harrow Development Management Plan (2013).

7) IMPACT ON HERITAGE ASSETS

The proposal is for 26 new houses on the open space within setting of the listed farm house and listed farm buildings and associated landscaping, new hardsurfacing and boundary treatments that would affect the setting of the listed buildings. It is also for external brick repairs, re-roofing and replacement windows and doors to the grade II listed farmhouse and for repair, refurbishment and conversion works to the grade II listed outbuildings including repair and part demolition works to the listed walls to these buildings which is dealt with fully within the linked Listed Building Consent application. The acceptability of the proposed works must be assessed against the need to preserve the special character of the Listed Building, having particular regard to the National Planning Policy Framework, London Plan policy 7.8, Development Management Local Plan policy 7 and Harrow Core Strategy policy CS1.

The National Planning Policy Framework (NPPF) paragraph 129 states 'Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal'. 131 states: local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets...the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. Paragraph 134 states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. London Plan policy 7.8 D states 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'. Harrow Core Strategy policy CS1 part D states 'Proposals that would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged'. Development Management Local Plan policy 7 states 'Proposals that secure the preservation, conservation or enhancement of a heritage asset and its setting, or which secure opportunities for sustainable enjoyment of the historic environment, will be approved'.

A condition report has been submitted as part of the application, which identifies the works that are both essential and desirable to be undertaken to both the Grade II Listed farm house and outbuilding. The works that are proposed to be undertaken to the two assets are listed above under section *Proposed Details*. The following are works the condition survey states are necessary or desirable but are not proposed as part of the planning application or the linked listed building consent application:

- Repointing
- Exposing and repair or replacement of timber backing lintols where necessary where there is cracking to arched brickwork as a result of this decay.
- Recommended that the exposed timber lintol over the door and sidelight opening to the north elevation of the cottage section be replaced and the brickwork made good.
- Removal of paintwork to the brickwork externally by a specialist company
- Additional airbricks to be cut in finished with cast metal plates to ventilate the timber ground floors
- Subsidence movement and bulging of the walls - requiring further investigations in order to detail the remedial works required although an enhancement to the strength and restraint of the walls required via discreet lateral restraint measures at roof and upper floor levels.
- Dampness - specialist tanking measures required and repairs to timber joists and damp present on the first floor
- Rising dampness
- Roof strengthening - via introduction of steel beams at ceiling level requiring Listed Building Consent.
- Repairs to roof timbers.
- Replacement of rainwater goods with cast iron or aluminium
- Renewal of drainage pipes, gullies and excavating new soakaway pits
- Chimney stacks require render, brick and repointing repairs
- Redundant flues should be appropriately capped
- Replace column in the cellar
- First floor joist deflection
- Expose timber floors to ascertain extent of repairs and strengthening required - some replacements required.
- Internal shutters should be overhauled and brought back into use
- Window to the cellar needs to be isolated from the damp cellar wall brickwork
- Replacement of door and lining within the cellar
- Lath and plaster needing like for like repair

FARM BUILDINGS

- Suspected foundation subsidence. Trial pit investigations required and likely remedial measures.

It is understood that there is a limited amount of funding available. However, the Council assessment of the viability information provided suggests the 26 new houses and 3 new converted dwellings could adequately provide for at least some of these additional works. Also, the latest supporting information from the agent clarifies that some items proposed and budgeted for are no longer being proposed namely removing 3 staircases and levelling floors and ceilings. Therefore, the costs attached to these items could be reinvested. Also, it is noted that some significant upgrading listed above could be carried out at relatively little extra cost.

As it currently stands the proposed works to the listed buildings would add weight to the acceptability of the scheme, given that securing the heritage assets would offset to a certain degree some of the loss of the open space within the site. However, given that the opportunity, and financial ability is available to comprehensively refurbish the listed buildings for their long term security, it is considered that to not undertake all the works within the conditions report would result in less weight being attributed to the benefits of securing the assets.

There are clear heritage disbenefits to this proposal. The designated open space that will be built on is associated with the agricultural character and setting of the farm buildings and helps in understanding the former agricultural use of the site. Due to the density of residential development proposed therefore this setting will be clearly harmed by this proposal, notwithstanding the heritage benefits of improving the immediate setting under the current proposal by removing the later unattractive additions and light industrial buildings. In addition, the proposal to convert the farm buildings from part vacant and part dairy and car storage use to residential use presents some level of harm. These buildings are grade II listed in their own right (not simply curtilage listed), underlining their important historic and architectural interest. They are a significant and rare agricultural legacy in this part of suburban London, and their agricultural form and use are integral to their special character and appearance. The policy presumption is therefore be against residential conversion as opposed to another more low key use such as office, workshops or storage unless it can be proven that this is the only sustainable use that can be delivered without unacceptably compromising the special architectural and historic character.

The disbenefits of the new build and converting the farm buildings to residential use need to be weighed against the heritage benefits of securing the future of these heritage assets in accordance with NPPF paragraph 134. The proposals under this application and the linked listed building consent would secure the long-term conservation of these listed buildings by converting the farm buildings to residential use and carrying out much repair and refurbishment works to these listed buildings. A market assessment has been provided to indicate that alternative low key uses such as storage, workshop, or offices could not be sustainably implemented whilst ensuring necessary refurbishment works. The market assessment also suggests that the change of use to residential would be a sustainable change of use.

Also, as assessed under the linked Listed Building Consent application, the proposed alterations and repair and refurbishment required to change the use of these farm buildings would, subject to conditions, on balance preserve the special interest of these listed buildings and where they would cause slight harm to historic interest by the amount of subdivision and slight loss of historic fabric by creating new openings, this is marginal and outweighed by the public benefit of getting the buildings into a sustainable use for the future. Indeed, English Heritage responded on 22nd August, 2013 to state that ‘the works proposed to the assets themselves are acceptable’.

In addition the new build is set as far away from the listed farm buildings as possible in part recreating a historic layout of landscaping designed by Loudon who created the buildings as part of a model farm complex. This preserves the immediate setting of these Listed Buildings as far as possible. It ensures key views to and from the listed buildings are maintained and in some cases enhanced. Although much surrounding green space will be lost in the wider setting a suitable condition is recommended to be imposed on the

Listed Farm buildings and Farmhouse that restricts permitted development rights for any hardsurfacing within the curtilage of these buildings to ensure that any proposals for hardsurfacing here is sensitively considered in the future and kept to an absolute minimum in order to preserve as much surrounding soft landscaping as possible. It is proposed to replace the hardsurfacing in the farm building's courtyard with cobbles. This would be an enhancement to the character and setting of these buildings. A suitable condition is recommended to ensure that this would be installed and would be of a high quality for the setting of these listed buildings.

In summary, the proposals whilst having a clear impact on the wider setting of the listed buildings will, subject to conditions, and the implementation of the linked Listed Building Consent application secure the long-term conservation of these listed buildings. Therefore the public benefits may be considered to outweigh the harm. The proposed development would therefore accord with policy 7.8 of the London Plan (2011), policies DM1, DM7, DM8, DM18, and DM19 of the Development Management Plan (2013).

8) FLOOD RISK AND DRAINAGE

A Flood Risk Assessment (FRA) accompanies the application documents. The application site is located within flood zone 1, and is therefore not at high risk of flooding. The applicant has amended their Flood Risk Assessment to provide justification for the use a tanked SuDS solution for the proposed development, and revised their proposal to include rainwater harvesting. This would ensure that the development would reduce its water consumption and was encouraged by the Environment Agency.

The Environment Agency (EA) and the Council's Drainage Engineer have confirmed that the submitted information is satisfactory, subject to a number of conditions. Subject to these conditions, the proposal would not increase the risk of flooding on the site or elsewhere and the proposals would therefore accord with the expectations for consideration of flood risk contained within the NPPF, and the requirements of Core Strategy policy CS1 and policies DM9 and DM10 of the Harrow DMP (2013).

Furthermore, a S.106 agreement will ensure that a long term maintenance and management plan for the SUDS incorporated on site is secured.

9) SOIL CONTAMINATION & REMEDIATION

The existing farm outbuilding has historically been operated as a dairy unit, and as such has a number of refrigeration units within the building that were used in conjunction with that use. The refrigeration units will be required to be removed from the outbuilding as part of their refurbishment.

Given the industrial style use of the premises over a long period of time, there is the potential that there is some low level soil contamination of the land surrounding the farm outbuilding. Given the change in use to the premise to residential use, it is considered appropriate for the applicant to undertake soil testing to ensure that there is no contamination within the premises or surrounding land.

It is therefore considered that subject to appropriate safeguarding conditions, the proposed development would comply with policy DM15 of the Development Management Plan (2013).

10) SUSTAINABILITY AND CLIMATE CHANGE MITIGATION

Energy Strategy

Paragraphs 96-98 of the NPPF relate to decentralised energy, renewable and low carbon energy. Chapter 5 of the London Plan contains a set of policies that require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions. Specifically, policy 5.2 sets out an energy hierarchy for assessing applications, as set out below:

- 1) Be lean: use less energy
- 2) Be clean: supply energy efficiently
- 3) Be green: use renewable energy

Policy 5.3 seeks to ensure that future developments meet the highest standards of sustainable design and construction, whilst policies 5.9-5.15 support climate change adaptation measures.

The applicant has submitted an Energy Statement, which details the likely energy demands of the proposed development and proposed a strategy to increase energy efficiency. A Sustainability Statement has also been submitted, which describes the sustainability principles of the proposed development and measures that would be incorporated to ensure high levels of performance and long-term viability.

The applicant proposes a range of passive design features and demand reduction measures to reduce the carbon dioxide emissions of the proposed development. The proposed development, among other methods, proposes to utilise PV panels which have been demonstrated on the proposed elevations of the new build dwellings. The supporting information submitted with the application demonstrates that the percentage of CO₂ displaced by renewable is 28.19%, which exceeds the 25% Code Level 4 requirements of ENE1.

Sustainable Urban Drainage

London Plan policy 5.13 seeks to ensure that development utilises sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so.

The submitted Flood Risk Assessment (FRA) seeks to ensure that properties within the development would be protected from flooding in a sustainable manner, including the provision of SUDS techniques to supplement on-site attenuation facilities. The Environment Agency support the implementation of SUDS as part of the scheme and recommend a condition to ensure that the drainage scheme is implemented in line with the recommendations in the submitted FRA and associated documents.

It is therefore considered that the proposal would comply with the NPPF and London Plan policy 7.15, and policy DM12 of the Harrow Development Management Plan (2013) in this regard.

11) TREES AND DEVELOPMENT

Policy 7.21B of The London Plan (2011) states that '*Existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place, right tree'. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species*'. Following on from this, Policy DM22 of the Harrow Development Management Plan (2013) requires for trees identified for protection during construction and to be retained or replaced where necessary following the completion of the development.

The applicant has submitted an Arboricultural Report detailing the existing trees onsite and any potential impacts from the proposed development. It is noted that there are no trees on site that are subject to a tree protection order. However, the applicant has not proposed to remove and trees from the site, and has submitted tree protection measures for trees that may potentially be impacted on during the construction phase. This document has been reviewed by the Council Tree Officer, who has confirmed that the information contained within the Arboricultural report and associated tree protection measures are acceptable.

Furthermore, the applicant has submitted indicative landscaping plans demonstrating where further soft landscaping would be provided for, both in the publicly accessible open space and within the private amenity spaces. The indicative landscaping plans appear to be acceptable, and would enhance both the development and the publicly accessible open space. It is therefore considered that subject to an appropriate safeguarding condition, the development would not unacceptable harm existing trees on site and the proposed landscaping would enhance the proposed development. The proposed development would therefore, subject to appropriate safeguarding conditions, accord with Policy DM22 of the Harrow Development Management Plan (2013).

12) S17 CRIME & DISORDER ACT

Policy DM2 of the Harrow Development Management Plan (2013) requires all new development to achieve lifetime neighbourhoods. In particular all proposals must be safe and secure for everyone in line with Secured by Design principles.

The proposed scheme has not demonstrated how this will be met. In particular there is no detail on how the internal access roads will be lit. Furthermore. There is no detail how the proposed publicly accessible open space will be satisfactorily lit, to ensure that it does not become a location for anti-social behaviour.

It is recommended that Secure by Design measures can be secured by way of a condition. It is also recommended to ensure that the public open spaces are adequately lit and further consideration of the layout of these spaces will be undertaken on consideration.

It is considered that, subject to safeguarding conditions, the proposed development would not adversely impact upon community safety issues and so it would comply with policy 7.3 of The London Plan (2011) and policy DM2 of the Harrow Development Management Plan (2013).

13) EQUALITIES IMPLICATIONS

Equalities Act 2010

Section 149 of the Equalities Act 2010 created the public sector equality duty. It states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account in the assessment of this application and the Committee must be mindful of this duty inter alia when determining all planning applications. It is considered that the proposed development would not result in any infringement on Equalities legislation.

14) S.106 OBLIGATIONS AND INFRASTRUCTURE

Below is the list of the proposed heads of terms that follow from the consideration of the effects of the development (outlined in the appraisal) and the likely means by which these effects will be mitigated. The broad headings and contributions are considered to be reasonable and justified in accordance with the requirements in regulation 122 of the Community Infrastructure Regulations on the use of planning obligations, i.e. that they need to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) Fairly and reasonable related in scale and kind to the development.

Enabling Development

To ensure that the development and disposal of the residential developments is tied to undertaking the necessary works to both the Grade II Listed Farm House and Outbuilding to ensure their future security.

Affordable Housing

To provide a re-appraisal of the end housing and land values of the development at the occupation of 80% of the residential units permitted. In the event that any of the units have demonstrated sales higher than those initially appraised, 50% of the surplus residual is to be paid to the Council as a contribution toward the provision of Affordable Housing within the Kenton Area.

Education

Off site contribution (£44,244) to Education provision in the Borough commensurate with the child yield of the development.

Health

A contribution (£35,028) towards local healthcare facilities.

Sports and Leisure

An off-site contribution (£16,800) to sports and leisure facility provision within the Borough based on person yield of the development.

Training & Employment

1 local trainee (ideally an apprentice) per £1m of construction cost + £3,500 per £1m of construction cost as a contribution towards local employment placement co-ordination.

Access and Maintenance of Publicly Accessible Open Space

The submission of a long term management strategy for the publicly accessible open spaces, including funding arrangements, to be agreed in writing.

The submission of a strategy to permit the public use of and access to the open space

Monitoring and Compliance

Payment of the Councils monitoring costs

15) MAYORAL CIL LIABILITY

On 1st April 2012, the Mayor of London introduced a Community Infrastructure Levy (CIL) to raise £300 million towards the delivery of the Crossrail project. The CIL is applicable to any development granted planning permission on or after the 1st April 2012 and is collected by the Council once development commences. In Harrow, the CIL is chargeable at a rate of £35 per sqm and the chargeable amount should be calculated in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended).

The applicant has provided a breakdown of the existing buildings on the site and their use. The chargeable area is 2588sqm at £35 per sqm, making a total of £90,580.00 payable for the whole development. A provisional liability notice will be issued on this basis, with detailed payment arrangements to be agreed.

Harrow Council is progressing the preparation of a local CIL, but this has not yet been adopted. However, in the event that the Planning Committee decide to refuse the application, then any decision that is made by the planning inspectorate after the 1st October 2013 will attract a fee of £284 680.00 (Based on a residential floor space uplift of 2588sqm)

16) CONSULTATION RESPONSES

- Loss of view

There is no right to a view, or protection of a view under the Town & Country Planning Act (1990).

- No requirement for more housing

There is a borough, regional and London wide housing shortage.

- Loss of natural light

Addressed under section 2 of the above appraisal.

- Loss of security

The scheme has been amended to ensure that there would not be any publicly accessible open space to the west and north of the application site. Rather, publicly accessible open space would be located near the front of the site adjacent to the public highway. Private rear gardens would be located adjacent to the adjoining gardens which

would be similar to a traditional residential arrangement. It is therefore considered that the proposed scheme would not result in an unacceptably loss of security.

- Will the applicants compensate for all

This is not a material planning consideration under the Town & Country Planning Act (1990)

- The development will devalue the neighbouring properties.

This is not a material planning consideration under the Town & Country Planning Act (1990)

- Rights of light and loss of light and shadowing

Addressed under section 2 of the above appraisal

- Loss of privacy from velux roof lights overlooking rear bedrooms

Addressed under section 2 of the above appraisal

- Environmental impacts on wildlife from dust, noise.

Addressed under section 3 & 4 of the above appraisal. Furthermore, dust and noise will be kept to a minimum through a Construction Management Plan. In any case these impacts would be temporary in nature only.

- Construction Nuisance from traffic noise/dust.

Addressed under section 3 of the above appraisal

- Impacts on schools, doctors roads from the rise in population.

Section 106 agreement would be in place to provide adequate monetary contributions to allow for the increase in people as a result of the proposed development.

- Development would have an impact on people with health issues.

The proposed development would provide for housing within the borough, which is also the prevailing use within the area. It is considered that the provision of housing would not unacceptably harm health issues.

- Environmental impact of demolishing the warehouses that have many years of useful life, they could be put to a community use.

The existing warehouses are associated with the former use of the site. Given that the application site is allocated to provide housing, it is considered reasonable that the existing warehouses are removed to allow for this provision. Furthermore, each of the warehouses provides little architectural merit, and in the setting of the listed buildings their removal would be considered as positive.

- Large number of dwelling will cause traffic congestion

Addressed under section 3 of the above appraisal

- The tall dwellings are too close to the adjoining common boundaries

Addressed under section 2 of the above appraisal

- Allotment gardens would have been better form a community and environmental point of view.

The application is assessed based on what the applicant has proposed. The style of housing is based primarily on the generating the required funds to cover the conservation deficit of securing the listed buildings.

- Low rise housing suited to the elderly generating no peak hour traffic would also be better suited to the site.

The application is assessed based on what the applicant has proposed. The style of housing is based primarily on the generating the required funds to cover the conservation deficit of securing the listed buildings.

- Air quality issues as a result of the extra cars
Addressed under section 3 of the above appraisal

- Highway safety with regard to the extra vehicles using the main entrance onto Kenton Lane.

Addressed under section 3 of the above appraisal

CONCLUSION

As a whole, the proposals are considered to represent a viable, and on balance acceptable form of development, compliant with the provisions of the NPPF and the adopted development plan documents. It is acknowledged that the proposed development would lead to a net loss of open space within the borough, as much of the site would make way for housing development. However, the application site is identified as an allocated site within the Site Allocations DPD (2013). As such, the provision of providing more residential units for the boroughs housing stock is considered to be acceptable. Furthermore, the application would also provide benefits to the community by securing the long term future of the two Grade II Listed Buildings located on the site, and by providing publicly accessible open space for the local community.

The proposed layout and siting of the residential development would be, subject to safeguarding conditions, considered to not unacceptably harm the amenities of neighbouring occupiers. Furthermore, the proposed residential development would not unacceptably harm the setting of the two Grade II Listed Buildings located within the site.

It is therefore considered that on balance and the prior completion of a S.106 agreement, the application should accordingly be approved.

CONDITIONS

1 The development shall be begun not later than three years from the date of this permission.

REASON: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

KLF/13/L01, KLF/13/L02, KLF/13/L04, KLF/13/L05, KLF/13/L06, KLF/13/L07, KLF/13/L08, KLF/13/L09 (REV A), KLF/13/L10, KLF/13/L11, KLF/13/L12, KLF/13/L13, KLF/13/L14, KLF/13/FHMW01, KLF/13/FHMW02, KLF/13/FHMW03, KLF/13/FHMW04, KLF/13/FHMW05, KLF/13/FHMW06, KLF/13/FHMW07, KLF/13/FHMW08 (REV A), KLF/13FBRC01, KLF/13FBRC02, KLF/13FBRC03, KLF/13FBRC04, KLF/13FBRC05, KLF/13FBRC06, KLF/13FBRC07, KLF/13FBRC08, KLF/13FBRC09, KLF/13FBRC10, KLF/13FBRC11, KLF/13FBRC12, KLF/13FBRC13, KLF/13FBRC14, KLF/13/DDFH01, KLF/13/DDLB01, KLF/13/DDLB02, KLF/13/DDLB03, KLF/13/BT1/L20, KLF/13/BT1/L21, KLF/13/BT1/L22 (REV A), KLF/13/BT2/L23 (REV A), KLF/13/BT2/L24 (REV A), KLF/13/BT3/L25, KLF/13/BT3/L26 (REV A), KLF/13/BT3/L27 (REV A), KLF/13/BT4/L28, KLF/13/BT4/L29, KLF/13/BT4/L30, KLF/13/BT5/L31, KLF/13/BT5/L32, KLF/13/BT5/L33, KLF/13/BT6/L34, KLF/13/BT6/L35, KLF/13/BT6/L36, KLF/13/BT7/L37, KLF/13/BT7/L38, KLF/13/BT7/L39, KLF/13/BT7/L40, LSP/KLFH/020 A, LSP/KLFH/020 B, LSP/KLFH/020 C, TPP/KLFH/010 B, 3020-1, Commercial Market Report – Options Appraisal, Condition Report, Heritage Statement (11/0124), Heritage Statement-Amended Scheme, Arboricultural Report, Landscape Management and Maintenance Plan, Landscape Strategy Statement, Transport Statement, Flood Risk Assessment, Energy and Sustainability Overview (Braziers-KR-ES 02/R/2.0/MJF, Sustainable Design Checklist (Checklist 1/R/1.0/MJF, Bat Survey Report, Architectural Statement, Design & Access Statement, Revised Scheme Viability Report,

REASON: For the avoidance of doubt and in the interests of proper planning.

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

- a: the new build dwellings
- b: the ground surfacing
- c: the boundary treatments
- d: The design and appearance of waste and recycling facilities

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

REASON: To ensure a satisfactory form of development and safeguard the appearance of the locality, thereby according with policies 7.4.B and 7.6.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policy DM1 of the Harrow Development Management Policies Local Plan 2013.

4 Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not commence until a revised landscape plan and landscape strategy has been submitted to, and approved in writing by, the local planning authority: The soft landscaping detail should include, but not be limited to:

a: Soft landscaping (tree) provision to soften the appearance of the proposed forecourt hardstanding.

b: Re-design of the public open space located to the north of proposed unit 5.

c: the boundary treatment.

d: Internal street lighting

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

REASON: To ensure a satisfactory form of development and safeguard the appearance of the locality, thereby according with policies 7.4.B, and 7.6.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policy DM1 of the Harrow Development Management Policies Local Plan 2013

5 All planting, seeding or turfing comprised in the approved details of landscaping plans 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, thereby according with policy 7.4.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policies DM1 and DM22 of the Harrow Development Management Policies Local Plan 2013.

6 Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not commence until a revised plan regarding hard landscaping has been submitted to, and approved in writing by, the local planning authority: Details shall include but not be limited to;

a: boundary treatment (between the dwellings and the site boundary)

b: new build forecourt treatment (Which shall be permeable)

c: cobbles proposed within the courtyard of the Grade II Listed Buildings

d: internal highway lighting and lighting to publicly accessible open space

e: childrens play space location, scale and design.

f: Location, scale and design of any public furniture to be within the publicly accessible local open space.

REASON: To safeguard the appearance and character of the area, to enhance the appearance of the development, and to ensure no unacceptable harm to neighbouring occupiers, thereby according with policy 7.4.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policy DM1 of the Harrow Development Management Local Policies Plan 2013.

7 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 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.

3. details of the lighting of the publicly accessible open space shall be accompanied by a detailed Lighting Strategy in line with the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

This document shall explain:

- (a) the lighting proposed for public realm areas and streets, including relevant justification;
- (b) the lighting proposed for the highway.

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 7.3.B of The London Plan 2011, policy DM2 of the Harrow Development Management Policies Local Plan (2013), and Section 17 of the Crime & Disorder Act 1998.

8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. measures to control the emission of dust and dirt during construction
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the properties on the site, thereby according with policies DM1, DM42, DM43 and DM44 of the Harrow Development Management Policies Local Plan 2013

9 Prior to the construction of any dwellings hereby permitted, details relating to the long term maintenance and management of the on site drainage shall be submitted to and approved in writing by the Local Planning Authority. Details thereby approved shall be retained thereafter. Such a management/maintenance document shall fall with a 'Owners Manual' to provide greater long term functionality and should include (but not limited to):

- Location of all SuDS techniques on site
- Summary of how they work and how they can be damaged
- Maintenance requirements (a maintenance plan) and a maintenance record
This will be determined by the type of SuDS but should include Inspection frequency; debris removal; vegetation management; sediment management; structural rehabilitation / repair; infiltration surface reconditioning
- Explanation of the consequences of not carrying out the specified maintenance
- Identification of areas where certain activities which might impact on the SuDS are prohibited
- An action plan for dealing with accidental spillages
- Advice on what to do if alterations are to be made to a development if service companies undertake excavations or other works which might affect the SuDS

The manual should also include brief details of the design concepts and criteria for the SuDS scheme and how the owner or operator must ensure that any works undertaken on a development do not compromise this.

REASON: To ensure that the development has adequate drainage facilities, to reduce and mitigate the effects of flood risk, in accordance the recommendations of Core Strategy (2012) policy CS1, the NPPF and policies DM9 & DM10 of the Harrow Development Management Local Policies Plan (2013).

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008, 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.

11 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 A in Part 2 of Schedule 2 to that Order shall be carried out without the prior written consent of the local planning authority.

REASON: To safeguard the character of the locality in accordance with policy DM1 of the Harrow Development Management Local Policies Plan 2013).

12 Notwithstanding the detail shown on the plans hereby approved, no development shall commence until revised plans have been submitted to, and approved in writing by the Local Planning Authority, demonstrating the provision of no less than three of the approved homes are complaint with wheelchair accessible homes requirements. The development shall be carried out in accordance with the approved plans and retained as such thereafter.

REASON: To ensure the proposed development provides inclusive design for all and meets the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2011) Core Policy CS1K, policy DM2 of the Harrow Development Management Local Policies Plan (2013), and Accessible Homes SPD (2010).

13 Prior to commencement of the refurbishment of the Grade II Listed Farm building approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), no development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

A site investigation scheme undertaken by competent persons, based on the submitted Phase 1 Ground Conditions Report (produced by cnm, dated September 2012), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

The report of the findings must include:-

A survey of the extent, scale and nature of contamination

An assessment of the potential risks to

- Human health
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- Adjoining land
- Groundwaters and surface waters
- Ecological systems
- Archaeological sites and ancient monuments

The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect groundwater and the future end users of the site and neighbouring sites, in accordance with the Environmental Impact Assessment and in line with the requirements of the NPPF and London Plan policies 5.3 and 5.21, Core Policy CS 1 and policy DM15 of the Harrow Development Management Policies Local Plan (2013).

14 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be carried out, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON: To protect groundwater and the future end users of the site and neighbouring sites, in accordance with the Environmental Impact Assessment and in line with the requirements of the NPPF and London Plan policies 5.3 and 5.21, Core Policy CS 1 and policy DM15 of the Harrow Development Management Local Policies Plan (2013).

15 Prior to occupation of the dwellings hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy for that phase and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To protect groundwater and future end users of the site, in accordance with the Environmental Impact Assessment and in line with the requirements of the NPPF and London Plan policy 5.21. This condition ensures that any verification works identified in the plan are successfully carried out.

16 Prior to the construction of any of the building hereby permitted on site, details regarding the on site drainage shall be submitted to and approved in writing by the Council. The detail submitted shall include the following detail:

- a) A copy of a letter from Thames Water with permission for connections to the public sewers is required.
- b) The development is subject to a limitation on a discharge to 5 l/s, consequently there will be a storage implication and the system should be checked for no flooding for a storm of critical duration and period of 1 in 100 years. These storage calculations should include all details of inputs and outputs together with impermeable and permeable areas drained. Please note that the M5-60(mm) is 21 and the Ratio "r" should read 0.43 for this region. Similarly the Volumetric Run-off Coefficient should be substantiated by calculations (Reference to Chapter 13 of The Wallingford Procedure) or a figure of 0.95 should be used for winter and summer. Please note that a value for UCWI of 150 is appropriate when calculating Percentage Runoff (PR) for storage purposes. Please include 30% allowance for climate change.
- c) Full details of drainage layout including details of the outlet and cross section of proposed storage are required.
- d) Full details of any flow restrictions (hydrobrake) that are proposed for this scheme need to be submitted together with the relevant graphs.

REASON: To ensure that the development has adequate drainage facilities, to reduce and mitigate the effects of flood risk, in accordance the recommendations of Core Strategy (2012) policy CS1, the NPPF and policies DM9 & DM10 of the Harrow Development Management Local Policies Plan (2013).

17 Flood Water Disposal

Prior to the construction of any dwellings hereby permitted, details of 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 in accordance with Sewers for Adoption.

18 Storm Water Disposal

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

Reason: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in the National Planning Policy Framework.

19 Storm Water Attenuation

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

Reason: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk following guidance in the National Planning Policy Framework.

20 The development hereby approved shall make provision for the incorporation of bird boxes, bat roosts and other wildlife features within the site;

(a) the creation of wildlife habitats within the public realm, integrated into the detailed SUDS designs (i.e. standing and running water, grassland, log piles, green/brown roofs); and

(b) the management arrangements for these features.

Details explaining how these features are to be provided, shall be included with each, relevant, reserved matters submission and shall be implemented prior to occupation of that building or area to which the mitigation measures relate.

REASON: To ensure that the development contributes to improving the ecology and biodiversity of the area, in accordance with the NPPF, London Plan (2011) policy 7.19, Core Strategy (2012) policy CS1, and policy DM21 of the Development Management Plan (2013).

21 Prior to the construction of the dwellings hereby permitted, details of the forecourt carparking surfacing shall be submitted to and approved in writing by the Council. The details thereby approved shall be retained there after. The hardstanding 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 in accordance with the NPPF, and policies DM9 & DM10 of the Harrow Development Management Local Policies Plan (2013).

22 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.

23 Before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of Level 4 of the Code for Sustainable Homes (or successor) for the residential units, which includes details of siting, design and noise levels of any equipment, the reduction of baseline CO₂ emissions by 20%, and mechanisms for independent post-construction assessment, shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken for each phase demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with the NPPF, Policies 5.1, 5.3A, 5.7B, 5.9B/C, 5.10C and 5.11A of The London Plan (2011), Policies DM12 and DM14 of the Harrow Development Management Local Policies Plan (2013) and adopted Supplementary Planning Document Sustainable Building Design (2009).

INFORMATIVES

National Planning Policy

National Planning Policy Framework 2012

The London Plan [2011]:

- 3.1.B – Ensuring Equal Life Chances for All
- 3.3 – Increasing Housing Supply
- 3.4 – Optimising Housing Potential
- 3.5 – Quality and Design and Housing Development
- 3.8.B – Housing Choice
- 3.9 – Mixed and Balanced Communities
- 5.2.A/B/C/D/E – Minimizing Carbon Dioxide Emissions
- 5.3.B/C – Sustainable Design and Construction
- 5.7.B – Renewable Energy
- 5.9.B/C – Overheating and cooling
- 5.12.B/C/D – Flood Risk Management
- 5.15.B/C – Water Use and Supplies
- 6.3.A/B/C – Assessing the Effects of development on transport capacity
- 6.5 – Funding Crossrail and other strategically important transport infrastructure
- 6.9 – Cycling
- 6.10 – Walking
- 6.12.B – Road Network Capacity
- 6.13.C/D – Parking
- 7.1.B/C/D/E – Building London’s Neighbourhoods and Communities
- 7.2.C – An Inclusive Environment
- 7.3.B – Designing out Crime
- 7.4.B – Local Character
- 7.5.B – Public Realm
- 7.6.B – Architecture

- 7.13.B – Safety, Security and Resilience to emergency
- 7.15.B – Reducing Noise and Enhancing Soundscapes

The Harrow Core Strategy 2012

- CS1 – Overarching Policy
- CS10 – Kenton & Belmont

Harrow Development Management Local Policies Plan (2013)

- Policy DM1 – Achieving a High Standard of Development
- Policy DM2 – Achieving Lifetime Neighbourhoods
- Policy DM7 – Heritage Assets
- Policy DM9 – Managing Flood Risk
- Policy DM10 – On site water management and surface water attenuation
- Policy DM 12 Sustainable Design and Layout
- Policy DM 13 Decentralised Energy Systems
- Policy DM 14 Renewable Energy Technology
- Policy DM 15 Prevention and Remediation of Contaminated Land
- Policy DM 18 Protection of Open Space
- Policy DM 19 Provision of New Open Space
- Policy DM 20 Protection of Biodiversity and Access to Nature
- Policy DM 21 Enhancement of Biodiversity and Access to Nature
- Policy DM 22 Trees and Landscaping
- Policy DM 24 Housing Mix
- Policy DM 33 Working at Home
- Policy DM43 Transport Assessments and Travel Plans
- Policy DM 44 Servicing
- Policy DM 45 Waste Management

Adopted Supplementary Planning Documents

- Supplementary Planning Document: Access for All 2006
- Supplementary Planning Document: Accessible Homes 2010
- Supplementary Planning Document: Sustainable Building Design 2009.
- Supplementary Planning Document: Residential Design Guide 2010.

INFORMATIVE:

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £38,734.50

Please be advised that approval of this application by Harrow Council will attract a liability payment of £90,580.00 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008. The charge has been calculated on the proposed net increase in floorspace.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

Your proposal is subject to a CIL Liability Notice indicating a levy of £90,580.00 for the application, based on the levy rate for Harrow of £35/sqm and the calculated net additional floorspace of 2588sq.m

You are advised to visit the planning portal website where you can download the appropriate document templates.

INFORMATIVE:

CONSIDERATE CONTRACTOR CODE OF PRACTICE

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.

INFORMATIVE:

PARTY WALL ACT:

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

INFORMATIVE:

COMPLIANCE WITH PLANNING CONDITIONS

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.

INFORMATIVE:

CONSTRUCTION METHODS

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.)

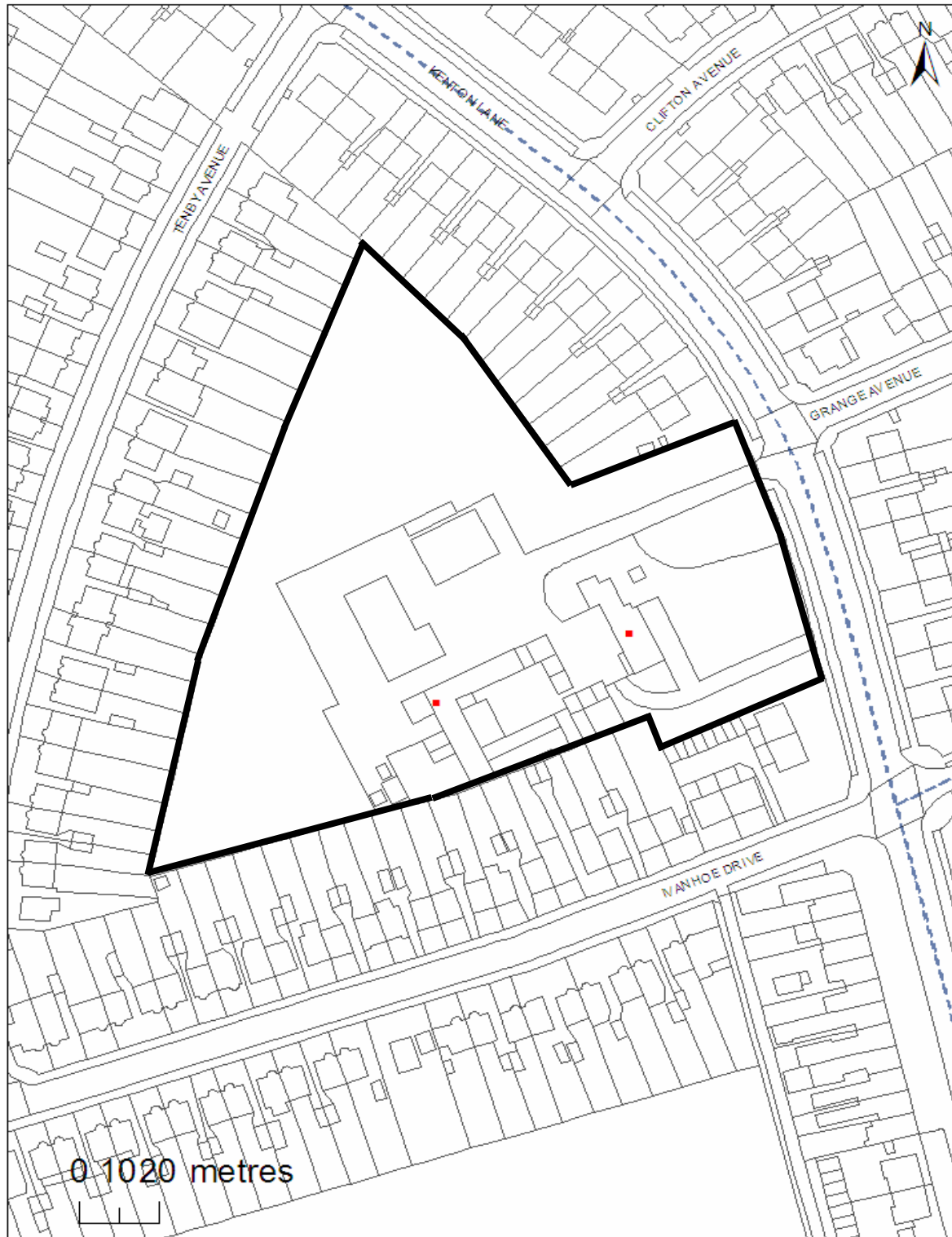
INFORMATIVE:

The applicant is reminded of the duties set out in the Equalities Act 2010 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:

KLF/13/L01, KLF/13/L02, KLF/13/L04, KLF/13/L05, KLF/13/L06, KLF/13/L07, KLF/13/L08, KLF/13/L09 (REV A), KLF/13/L10, KLF/13/L11, KLF/13/L12, KLF/13/L13, KLF/13/L14, KLF/13/FHMW01, KLF/13/FHMW02, KLF/13/FHMW03, KLF/13/FHMW04, KLF/13/FHMW05, KLF/13/FHMW06, KLF/13/FHMW07, KLF/13/FHMW08 (REV A), KLF/13FBRC01, KLF/13FBRC02, KLF/13FBRC03, KLF/13FBRC04, KLF/13FBRC05, KLF/13FBRC06, KLF/13FBRC07, KLF/13FBRC08, KLF/13FBRC09, KLF/13FBRC10, KLF/13FBRC11, KLF/13FBRC12, KLF/13FBRC13, KLF/13FBRC14, KLF/13/DDFH01, KLF/13/DDLB01, KLF/13/DDLB02, KLF/13/DDLB03, KLF/13/BT1/L20, KLF/13/BT1/L21, KLF/13/BT1/L22 (REV A), KLF/13/BT2/L23 (REV A), KLF/13/BT2/L24 (REV A), KLF/13/BT3/L25, KLF/13/BT3/L26 (REV A), KLF/13/BT3/L27 (REV A), KLF/13/BT4/L28, KLF/13/BT4/L29, KLF/13/BT4/L30, KLF/13/BT5/L31, KLF/13/BT5/L32, KLF/13/BT5/L33, KLF/13/BT6/L34, KLF/13/BT6/L35, KLF/13/BT6/L36, KLF/13/BT7/L37, KLF/13/BT7/L38, KLF/13/BT7/L39, KLF/13/BT7/L40, LSP/KLFH/020 A, LSP/KLFH/020 B, LSP/KLFH/020 C, TPP/KLFH/010 B, 3020-1, Commercial Market Report – Options Appraisal, Condition Report, Heritage Statement (11/0124), Heritage Statement-Amended Scheme, Arboricultural Report, Landscape Management and Maintenance Plan, Landscape Strategy Statement, Transport Statement, Flood Risk Assessment, Energy and Sustainability Overview (Braziers-KR-ES 02/R/2.0/MJF, Sustainable Design Checklist (Checklist 1/R/1.0/MJF, Bat Survey Report, Architectural Statement, Design & Access Statement, Revised Scheme Viability Report,

KENTON LANE FARM, (BRAZIERS FARM) KENTON LANE, HARROW



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Item No. **1/02**

Address: KENTON LANE FARM (BRAZIERS FARM)
323 KENTON LANE HARROW

Reference: P/3043/12

Description: LISTED BUILDING CONSENT: INTERNAL AND EXTERNAL ALTERATIONS TO EXISTING FARMHOUSE; CONVERSION AND INTERNAL AND EXTERNAL ALTERATIONS INCLUDING DEMOLITION WORKS TO COURTYARD OUTBUILDINGS TO CREATE 3 SELF-CONTAINED RESIDENTIAL UNITS.

Ward: KENTON WEST

Applicant: MRS CAROL EDWARDS & MR DAVID BRAZIER

Agent: PRESTON BENNETT PLANNING

Case Officer: LUCY HAILE

Expiry Date: 29/01/2013

RECOMMENDATION

GRANT

Listed Building Consent for the development described in the application and submitted plans.

REASON

The decision to grant listed building consent has been taken because the replaced windows preserve the special character of the listed building and the proposal complies with all the relevant planning policies.

INFORMATION

The application is reported to the Planning Committee because it is linked to a major Planning Application, and therefore falls outside category 2 of the Scheme of Delegation.

Statutory Return Type: 23

Council Interest: None

Gross Floorspace: N/A

Net additional Floorspace: N/A

GLA Community Infrastructure Levy (CIL) Contribution (provisional): N/A

Site Description

- The application site comprises Kenton Lane Farmhouse and former farm buildings to south west of Kenton Lane Farmhouse.
- All these buildings became grade II listed on 3rd February, 1989
- The list description for the farmhouse reads:
- 'Farmhouse, now house. Built c1808, to designs of William Loudon and Robert Abraham. Flemish bond red brick; hipped slate roof; brick ridge and end stacks. Double-depth plans. 2 storeys; symmetrical 3-bay front, extended to 4 bays by addition of bay to right soon after 1808. Flat brick arches over C20 door and C20 windows, recessed with segmental gauged brick arches to ground floor; twin brackets to overhanging eaves. Similar rear elevation. Mid C19 two and one-storey bays added to right, with cambered brick arches over windows. Interior: panelled doors and dog-leg staircase with landing. Kenton Lane Farm was leased by William Loudon (Father of J C Loudon, the famous land agent and writer on agriculture and rural architecture) in 1808 and was immediately replanned with its buildings (qv) grouped around a courtyard and its land managed and cultivated in accordance with the latest techniques'.
- The list description for the former farm buildings to south-west of Kenton Lane Farmhouse reads:
- 'Farm buildings now part of commercial dairy. Built c1808, to designs of William Loudon and Robert Abraham. Colourwashed Flemish bond brick, with hipped plain tile roofs to north and west ranges and gabled slate roof to south range; building at east end of south range is of weatherboard over softwood timber frame on brick plinth with half-hipped slate roof. Buildings surround 3 sides of courtyard. North range has through-entry to west of former cart or traphouse, with overlights over 2 entries to rear, and to east of former one-storey 4-window range stable with segmental brick arches over C20 door and early C20 two-light casements, and C19 plank loft doors set in gabled dormers to front and rear; west range, former fodder barn, has segmental brick arch over central entry and timber lintel over stable door with overlight to south; former 7-bay shelter shed to south range, originally open-sided and with later infill, is attached to former hay barn with C20 lean-to extensions to east. Interior: softwood trusses with clasped and through purlins. Forms a group with Kenton Lane Farmhouse (qv)'
- Significance
- Together Kenton Lane farmhouse and the adjacent farm buildings comprise a group of grade II listed buildings which form the surviving elements of an early 19th century model farm designed by William Loudon and Robert Abraham.
- The buildings have important aesthetic, architectural and historic qualities of the complex associated with innovations in early 19th century cultivation and agriculture. The farmhouse and farm buildings are constructed in an attractive Flemish bond brick, and retain a high degree of originality.
- The historic value as a model farm complex is heightened by the associative historic value in these buildings in the connection with Loudon and Abraham. Loudon was noted for his progressive writing and teachings on farming and he wrote 'Designs for Laying Out Farms and Farm-buildings in the Scotch Style' dated 1812 where he recounted changes made to these buildings. He also published in 1834 'The Encyclopedia of Cottage, Farm, Villa Architecture'.
- The immediate setting of the listed buildings has been undermined by the 20th century extensions and additional and buildings for light industrial use on the site.
- However, the historic value is enhanced by the incongruity of an agricultural complex amidst a dense suburban area, demonstrating a clear link with the agricultural past of

Harrow prior to the mass housing developments providing homes for the London commuter. The open grassland allows for ready interpretation of the complex's agricultural past.

- The listed buildings are a rare survival in London and remain clearly legible as the surviving elements of the model farm, an agricultural group within a large semi-open setting.
- The listed buildings are in a reasonable condition and are far from derelict. They are not worthy of English Heritage's 'heritage at risk' register. The listed farm house is used as residential accommodation. The listed farm buildings are used for dairy and car storage and are part vacant.

Proposal Details

- The application proposes:
- Farm House:
- Replacement of all UPVC windows with timber sash windows
- Replacement of external west and east elevation timber doors and fanlights with those more in keeping with the Georgian origins of the farmhouse.
- Replacement timber door on north elevation and new timber door and side screens on the north elevation
- Another replacement door
- Demolition of modern garden wall
- Replacement of timber front door and fan light with one of more traditional design.
- Proposed 1m high metal rail fencing facing Kenton Lane and another dividing the gardens of units 1 and 2.
- Strip off existing roof coverings and set aside for re-use
- Install new felt underlay and bitters
- Relay salvaged slates (supplement with new tiles where necessary to match existing)
- Install new lead flashings
- Some brickwork repairs
- Farm Buildings:
- Repair and refurbishment of farm buildings and their conversion to residential use including:
- Refurbishment of windows and new windows and doors
- Re-laying roof with existing clay tiles / slates wherever possible and some new tiles/ slates where necessary
- Demolition of modern additions/alterations including lowering height of courtyard wall to the original
- New hopper light for loft access
- New conservation rooflights
- Insulation and finishing works to roof and walls
- Remove external render
- Roof and floor strengthening and repair
- Replace rainwater goods
- Timber roof repairs and treatment
- New enclosure to staircase within proposed unit 3
- Brickwork repair including removing paint finish and chemically cleaning
- Addressing damp issues including additional air bricks
- Repair/replace chimney stacks and replace flashings
- Possible extract fans and ductwork for bathrooms and WCs and extracts for kitchens
- Installation of electrical and plumbing services and drainage
- Replacement courtyard paving

- Timber deck
- Removal of paint to timbers
- Repairs required to existing staircases
- Repair to external timber joinery
- Repair of first floor timbers
- Boundary walls/listed walls
- The boundary walls to the farmhouse and farm buildings are curtilage listed as they are attached to the listed buildings and are historic walls within their curtilage.

Revisions to Previous Application

- N/A

Relevant History

LBH/3640 Erection single storey building for recharging electric milk floats
Granted 24th September, 1968

LBH/3640/1 Erection - pumping room, dairy and loading bay
Granted 28th July, 1969

LBH/3640/2 Erection of single storey extension to bottling building
Granted 16-Dec-1970

LBH/28406 Replacement warehouse and charging bay, and extension to car park
Granted 28-Aug-1985

EAST/632/95/FUL Replacement water tower to incorporate telecommunication equipment (6 antenna 1 dish) with revised position of cabin
Granted 13-Nov-1995

EAST/713/99/DTD Determination: 3 panel antennae on existing mast and equipment cabin
Granted 01-Sep-1999

EAST/960/99/CLE Certificate of lawful existing development: milk bottling plant (class b2) and milk distribution depot (class b8) with ancillary related uses including office, retail, storage and residential
Granted 14th January 2000

EAST/816/98/CLE Use of site as a dairy with ancillary uses for storage, distribution, office, retail and residential.
Granted 19-Aug-1999

P/3075/13 – Demolition of existing modern warehouse and non-listed former dairy storage building, extensions incorporating refrigeration units, canopy & cages, telecoms mast and associated plant / structures; alterations to grade ii listed farmhouse to provide two self-contained residential units; conversion and alterations to grade ii listed former dairy courtyard outbuildings to create three self-contained residential units and ancillary

commercial / workshop space; and construction of 27 two storey with habitable roofspace residential dwellings, retention of two vehicular accesses; associated car and cycle parking, refuse storage facilities, landscaping and creation of new public open space
Reported elsewhere on this agenda

Pre-Application Discussion (Ref.)

- HA\2006\ENQ\01558 - residential development on area of designated open space
- Conclusion 12th October 2007: In principle objection to conversion of the farm buildings and loss of open space.
- HA\2011\ENQ\00079 - part listed building conversion and 28 new houses
- Conclusion 12th September 2011: The desirability of refurbishing the farmhouses is recognised but it is considered that the case for changing the use and subdividing the farm outbuildings as the optimum viable option for their conservation, and the case for enabling development is yet to be demonstrated.
- HA\2011\ENQ\00260 - Conversion of listed buildings to provide 5 dwellings and construction of 28 new dwellings on rest of site
- Conclusion 29th February 2012: This application requested advice on details of a proposed change of use and subdivision of the listed farmhouses. However, notwithstanding this, the Council reiterated their response on the principle of the subdivision, change of use and the associated development of surrounding open land remains as stated within the letter of conclusion to the previous pre-application meeting (dated September, 2011).
- There is a broad policy presumption against the proposed subdivision, change of use of the buildings and development of surrounding open land. Addressing this position will require the development of further rationale to explain how the proposed alterations represent the most appropriate response to the specific challenges in this case, including financial viability of the project.
- Specific recommendations were provided for the details of the proposed conversion of the farm house and farm buildings to residential use

Applicant Submission Documents

- Design and Access Statement
- Heritage Statement - amended scheme
- Addendum to Architectural Statement
- Architectural statement

Consultations

The following groups were consulted and any response was due by 26th August but no responses have been received:

- Society for the Protection of Ancient Buildings
- Victorian Society
- Ancient Monuments Society
- Twentieth Century Society

Advertisement

Extensions/alterations of a listed building

Site Notice

Harrow Observer

Harrow Times

Expiry: 26th August, 2013

Notifications

N/A

Addresses Consulted

N/A

Summary of Responses

- English Heritage responded on 20th August, 2013 to state that the works to the listed buildings themselves are acceptable.
- The Georgian Group responded on 2nd September, 2013 to state 'The Group recommends that application P/3043/12 and the associated listed building applications be refused on the grounds that the proposals will amount to significant harm to the setting of a Grade II listed building without securing the future of the heritage asset itself'.
- London and Middlesex Archaeology Society responded on 2nd September, 2013 on behalf of the Council for British Archaeology to state they have 'no objections to the alterations/conversions to the Listed Farmhouse and outbuildings subject to Conditions; the proposed design being carefully considered by the Applicants' Architect'.

APPRAISAL

MAIN CONSIDERATIONS

1) Special Interest of the Listed Building

The proposal is for external brick repairs, re-roofing and replacement windows and doors to the grade II listed farmhouse and for repair, refurbishment and conversion works to the grade II listed outbuildings, including repair and part demolition works to the listed walls to these buildings. The acceptability of the proposed works must be assessed against the need to preserve the special character of the Listed Building, having particular regard to the National Planning Policy Framework, London Plan policy 7.8, Development Management Local Plan policy 7 and Harrow Core Strategy policy CS1.

The National Planning Policy Framework (NPPF) paragraph 131 states: local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets...the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. Paragraph 134 states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. London Plan policy 7.8 D states 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'. Harrow Core Strategy policy CS1 part D states 'Proposals that would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged'. Development Management Local Plan policy 7 states 'Proposals that secure the preservation,

conservation or enhancement of a heritage asset and its setting, or which secure opportunities for sustainable enjoyment of the historic environment, will be approved'.

These proposals are linked to a current planning application for the same proposals for part refurbishment of the farmhouse and conversion and renovation of the farm buildings, as well as the building of 26 new houses on designated open space within the setting of these listed buildings. This scheme will harm the setting of these listed buildings by reducing the level of surrounding open space which is associated with the agricultural character and setting of the farm buildings and helps in understanding the former agricultural use of the site, notwithstanding the heritage benefits of improving the immediate setting under the proposal. In accordance with NPPF paragraph 134 this harm should be weighed against the public benefits, in this case securing the sustainable future and repair and renovation of these listed buildings. It is important therefore that many of the stated heritage benefits of this proposal put forward in this Listed Building Consent to secure the renovation and repair of these listed buildings are carefully researched and conducted in line with conservation principles and relevant conditions are therefore recommended to ensure this is done.

Farmhouse

The proposal to replace the UPVC windows with timber sash windows is an enhancement and details of the replacements have been provided. It would be important that these be painted white and retained as such to maintain the character of the building and therefore a condition is recommended. To ensure the craftsmanship creates windows that comply with the details provided a suitable condition is recommended to ensure a sample window is provided for approval for the Local Planning Authority prior to any works. To ensure the replacement doors and fanlights are more in keeping with the Georgian origins of the house a suitable conditions are recommended. The proposal to strip off the roof covering and set aside for re-use is appropriate and to ensure any necessary replacement slates are in keeping a suitable condition is recommended. The condition report states that external wall repairs are required and the costing show external brickwork wall repairs are proposed. It would be important that these repairs followed conservation principles and preserved the special interest of the listed building and therefore a suitable condition is recommended.

Farm Buildings

The proposal is to convert the farm buildings from part vacant and part dairy and car storage use to residential use. These buildings are grade II listed in their own right (not simply curtilage listed), underlining their important historic and architectural interest. They are a significant and rare agricultural legacy in this part of suburban London, and their agricultural form and use are integral to their special character and appearance. The policy presumption is therefore against residential conversion as opposed to another more low key use such as office, workshops or storage unless it can be proven that this is the only sustainable use that can be delivered without unacceptably compromising the special architectural and historic character. A market assessment has been provided to indicate that alternative low key uses such as storage, workshop, or offices could not be sustainably implemented whilst ensuring necessary refurbishment works. The market assessment also suggests that the change of use to residential would be a sustainable change of use.

Also, the following assessment shows that the proposed alterations and repair and refurbishment required to change the use of these farm buildings would, subject to conditions, on balance preserve the special interest of these listed buildings and where they would cause slight harm to historic interest by the amount of subdivision and slight loss of historic fabric by creating new openings, this is marginal and outweighed by the public benefit of getting the buildings into a sustainable use for the future. Indeed, English Heritage responded on 20th August, 2013 to state that 'the works proposed to the assets themselves are acceptable'.

Roof, floor and wall strengthening

The proposal is for roof and mezzanine floor strengthening works to the farm buildings as per the 'heritage statement - amended scheme' and as the condition report states this will be necessary in places. It is proposed to carry out some repairs to the floors also. Similarly it is proposed to strengthen existing masonry and timber walls and carry out external joinery repairs. However, no details for this have been provided in terms of an assessment of the extent of weaknesses in the roof, masonry and timber walls or mezzanine floors and the consequent roof, masonry and timber walls and mezzanine floor strengthening works required that are sensitive to retaining historic fabric and character. Therefore suitable conditions are included to ensure this is assessed and that these works are carried out.

The proposal states it will remove existing floorboards where required. It would be important that as many historic floorboards are retained as possible to retain character and as much historic fabric as possible. They should only be removed where beyond repair. Therefore a suitable condition is included.

Works to address damp

The proposal is also for damp proofing works including air bricks since the condition report raises concerns over damp in the buildings. It would be very important that a response to this was considered carefully and holistically following submission of a full and detailed report outlining the causes of the damp, damp levels, the physical structure of the building affected (including porosity and nature of the materials) and a full and detailed method statement, and plans where necessary, by a suitable conservation specialist. This is because damp proofing in historic buildings is sensitive and if carried out inappropriately and contrary to conservation principles can be harmful to the historic fabric including by moving damp issues elsewhere within the building.

Reference is made to _constructing new insulated masonry cavity walls and piers where required including foundations on the budget report. It was clarified that this refers only to infilling areas of farm buildings walls as shown on the approved floor plans. A suitable condition is recommended to ensure this.

Wall and roof insulation and finishes

It is proposed to carry out insulation works to the roofs and walls. It would be important that this was breathable and the finish to the walls and ceilings did not harm the character of the farm buildings and therefore a suitable condition is recommended. This is particularly relevant in the roof spaces where the exposed timber lintels are characteristic of the roof spaces.

Brickwork repairs

It is proposed to remove 'stucco' paint finish and chemical cleaning to the brickwork. It would be important that this was carried out in accordance with conservation principles so as not to damage the brickwork and therefore a suitable condition is recommended. If too harsh the bricks could become overly porous and soft and therefore weather away easily.

It is proposed to carry out some repointing to the brickwork. It would be important that this was of a suitable mix, colour and finish to fit in with the historic brickwork and therefore a suitable condition is recommended.

Repairs to roof timbers / remove paint from timbers

It is proposed to repair and treat roof timbers. It would be important that this addressed their current condition and was carried out in a manner in line with conservation principles that ensured as much historic timber was retained as possible and that the treatment does not harm the finish and character of the timber. Therefore a suitable condition is included. It is also proposed to remove paint from timbers. If carried out not in accordance with conservation principles this could harm the historic timbers therefore a suitable condition is recommended.

Re-lay the roof, replace rainwater goods and repair chimneys

It is proposed to re-slate the existing roof, reusing existing slates wherever possible and to replace modern metal roofing with reused slates. This would be an enhancement. To ensure where new slates are required that these link in with the existing a suitable condition is recommended. The proposal to replace the existing plastic rainwater goods and replaced with new cast aluminium / cast iron rainwater goods which would be an enhancement. To ensure these are in keeping a suitable condition is recommended. It is proposed to repair the chimneys which would be an enhancement but it would be important that these were sympathetically conducted in line with conservation principles and only rebuilt if beyond repair and therefore a suitable condition is recommended.

New services and extract fans

There would be new plumbing and electrical services installed as required by the residential conversion and new drainage. It would be important that these were sympathetically sited and run to minimise harm to character and fabric. Therefore a suitable condition is recommended. It is also proposed to install some extract fans and ducts to bathrooms and WCs and an extract fan to kitchens. It would be important that these were minimised in scale and number and made as subtle as possible in design. Therefore a suitable condition is recommended.

New windows, rooflights doors and screens

These are required in places given the condition of the existing and the requirement for more light to the building to accommodate residential use. Importantly the number of new openings has been kept to a minimum. The proposals use existing openings and replacement windows in keeping with the design and character of the existing to preserve the special interest of the listed building. To ensure the new and replacement windows, rooflights and doors are of a suitable quality and character to link in with that of the listed farm buildings suitable conditions are recommended.

Demolition works and infilling historic brickwork walls

Various demolition works to the farm buildings are proposed, including removal of modern lean-tos and modern walls. These are appropriate since they would return the farm buildings more closely to their original condition. It would be important though for all the demolition works that none of the attached historic fabric was damaged at all by such works and therefore a suitable condition is recommended. Where existing openings will be infilled to recreate the historic walls to the farm buildings it would be important that the bricks and brickwork bond matched the existing and therefore suitable conditions are recommended.

Cupboards

Many proposed new cupboards are shown on the plans. It would be important that these were freestanding to avoid unnecessary fixings to the historic fabric and features and therefore a suitable condition is recommended.

Staircases

Reference is made to a proposal to remove 3 original staircases in the farm buildings but these are historically important and need to be retained. Retention is shown on the proposed plans. For clarity a suitable condition has been added to show that these are to be retained. Repairs are proposed. To ensure these are suitable a suitable condition is recommended.

Floor and ceiling finishes

Reference is made in the budget report to a carpet finish throughout the farm buildings which would not always be appropriate. Part of its character is in its agricultural nature and a carpet finish is not always appropriate in order to maintain this. Therefore a suitable condition is included to ensure that notwithstanding this proposal, floor finishes are to be approved prior to installation.

Reference is made in the budget report to levelling ceilings and floor levels with timber noggins. However, a site inspection indicates the floor levels are already more or less even and this would be unnecessary intervention. It would undermine the historic character. Therefore a suitable condition has been added to show that this does not form part of the approval.

Unit 3

Within unit 3, there will be slight loss of fabric in order to accommodate a two bedroom unit via the creation of two new door openings and two new windows but this is a minimal level of loss and would help ensure the future use, and therefore conservation, of this building.

It is proposed to restore and convert three existing ventilation shafts to this part of the farm buildings to light pipes to provide more light to the ground floor. It would be important that these were sensitively considered refurbishment and conversions in order to retain the historic fabric, appearance and character and therefore a suitable condition is recommended. It is proposed to construct a new enclosure around the ground to first floor staircase at first floor level. This would alter character but improve sound insulation and so help enable the change of use. It would be important that details for this were provided for approval prior to installation to ensure that this was sympathetic to the character and fabric of the listed building.

It is proposed to glaze the opening to the covered passageway through to the courtyard. Whilst this would alter historic character by being fully glazed it would retain the open character of this opening as far as possible. To ensure the proposed glazed screens to elevation 7 are of a quality a suitable condition is recommended.

Unit 4

Ideally unit 4 should be a one bed unit to retain the double height openness of this part of the building albeit currently infilled by fridge units. However, it is proposed to create a second level in part of unit 4. Since this will be put in place of existing fridge units however it should preserve the same level of apparent openness within this part of the listed farm buildings. Also, it would enable the ongoing sustainable use of this part of the building.

A new timber boarded/part glazed door and a new timber framed glazed sliding door are proposed in the existing openings to face the courtyard on elevation 5. Similarly it is proposed to install a new glazed timber screen on the west elevation 8. These would be in keeping with the agricultural character of the building. To ensure the details of these are suitable high quality suitable conditions are recommended. It is proposed to install a new timber deck in front of unit 4 to replace an existing concrete loading dock which would be an improvement. However, details of the finish have not been provided. To ensure that this is in keeping a suitable condition is recommended.

Unit 5

To convert unit 5 to a residential unit it is proposed to construct a new timber framed party wall between it and unit 4 on ground and first floor levels. To ensure this is wholly reversible and does not interfere with historic fabric it is recommended that a method statement is provided prior to commencement. To convert unit 5 some modern partitions will be removed which will be an improvement. Some more partitions will be added to create the bedrooms and utility rooms but these areas have been subdivided in the past. It would not be necessary to install an additional door to unit 5 via the dining room and it would cause the loss of the historic floor plan and character therefore a suitable condition is recommended to ensure this is not part of the approved scheme. It would be important that the details for the other external door proposed to unit 5 via the proposed utility/store are be provided prior to their installation to ensure they are in keeping and not overly domestic and therefore a suitable condition is recommended.

The proposed workshop, store and garages to unit 5 preserve the character and special interest of this part of the listed farm buildings. Details for the barn doors have been provided and are suitable. Where the lean to structure is removed existing feather edged board cladding shall be restored and extended across the north facade of this. To ensure this is in keeping a suitable condition is recommended.

Curtilage listed walls

The proposal is for the repair/rebuilding of the garden walls but no detailed condition survey has been provided to show that rebuilding is necessary in whole or in part or what method would be used to repair them. It would be important that as much of the listed walls were kept as they are without rebuilding to preserve historic authenticity and that repairs were as sympathetic as possible and based on conservation principles. Therefore a suitable condition is recommended.

Summary

The repair and conversion of the listed farmhouse and farm buildings and listed walls associated with these buildings is welcomed and, subject to conditions, would on balance preserve the special interest of the listed buildings. Where there is slight harm to the farm buildings by the proposed alterations by causing slight loss of historic fabric and character, this is minimal and outweighed by keeping the buildings in a sustainable use. Whilst ideally the farm buildings would be retained in storage or other low key use to enable fewer alterations to be necessary, a market assessment has indicated that residential conversion is the most sympathetic for the long-term sustainable use and conservation of these listed buildings.

2) Consultation Responses

English Heritage's response is addressed in the appraisal above.

The Georgian Group recommends that this Listed Building Consent application is refused 'on the grounds that the proposals will amount to significant harm to the setting of a Grade II listed building without securing the future of the heritage asset itself'. However, this application is for the listed buildings themselves and would subject to conditions preserve or enhance their special interest. The linked planning application concerns the acceptability of the proposed dwellings within the setting of these listed buildings and the merits of this proposal are therefore considered within this application.

The London and Middlesex Archaeology Society raised no objections to the proposal subject to conditions.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, it is considered that the proposal would preserve the character and special interest of the Listed Building. Accordingly, this application is recommended for grant.

1) 1 The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) Windows to the farm house and farm buildings shall be painted white and maintained as such thereafter.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

3) A sample replacement window for the farm house and one for the farm buildings shall be provided to the Local Planning Authority, or made available on site, for approval in writing prior to window replacement works on these buildings.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

4) Samples or elevation and section plans to a scale of 1:10 or 1:20 of the proposed replacement south, east and west elevation doors and fanlights for the farmhouse shall be provided to, and approved in writing by, the Local Planning Authority prior to their replacement.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

5) Existing slates shall be reused and where replacement slates are required for the farm house, sample replacement slates shall be provided to, and approval in writing received from, the Local Planning Authority prior to the commencement of these works.

Reason: To ensure as many original slates are reused as possible and that replacement where necessary provides as close a match as possible in order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

6) Prior to necessary brick repairs being conducted to the house a condition report of the external brickwork walls to the farmhouse shall be submitted, and an accompanying method statement for repairs including existing and proposed plans where appropriate by a suitable conservation specialist, to, and approved in writing by, the Local Planning Authority.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

7) Prior to necessary roof strengthening being carried out to the farm buildings a full investigative report outlining the weaknesses of the roof that need to be addressed, their causes and a method statement, including existing and proposed plans, by a suitably qualified conservation specialist to the Local Planning Authority and written approval shall be given prior to the commencement of any such works.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

8) Prior to necessary floor strengthening and repairs to the mezzanine floors of the farm buildings being carried out a full investigative report outlining any weaknesses of the mezzanine floors of the farm buildings that need to be addressed, their causes and a method statement, including existing and proposed plans, by a suitably qualified conservation specialist shall be submitted to the Local Planning Authority and written approval shall be given prior to the commencement of any such works.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

9) Floorboards within the farm buildings shall be retained unless a condition survey by a suitable conservation specialist showing they are beyond repair and a method statement for their removal and replacement are provided to, and approved in writing by, the Local Planning Authority prior to the commencement of this part of the works.

Reason: to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

10) Prior to necessary masonry and timber wall strengthening and repair to the farm buildings being carried out a full investigative report shall be submitted to the Local Planning Authority outlining any weaknesses of the masonry and timber walls that need to be addressed, their causes and a method statement, including existing and proposed plans, by a suitably qualified conservation specialist and these works shall not be carried out until written approval has been received from the Local Planning Authority.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

11) Prior to the commencement of works to resolve damp in the farm buildings a full and detailed report outlining the causes of the damp, damp levels, the physical structure of the building affected (including porosity and nature of the materials) and a full and detailed method statement, and plans where necessary, to address this by a suitable conservation specialist shall be submitted to, and approval in writing by, the Local Planning Authority.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

12) A method statement, and existing and proposed plans and sections as appropriate, for the proposed wall and ceiling/roof insulation works and finishes to the farm buildings shall be provided to, and approved in writing by, the Local Planning Authority prior to their commencement.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

13) Details of the proposed brickwork cleaning and removal of stucco paint finish to the farm buildings shall be provided to and approved in writing by, the Local Planning Authority prior to the commencement of this part of the works.

Reason: to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

14) A method statement and sample panels of re-pointing to the farm buildings shall be provided to and approved in writing by, the Local Planning Authority prior to the commencement of this part of the works.

Reason: to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134,

London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

15) A condition survey of roof timbers and a method statement for their repair and any chemical treatment by a suitable conservation specialist shall be provided to, and approved in writing by, the Local Planning Authority prior to the commencement of this part of the works along with the submission of a condition survey.

Reason: to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

16) A method statement, including trial areas for inspection where necessary, by a suitable conservation specialist for the removal of paint to timbers in the farm buildings shall be provided to and approved in writing by, the Local Planning Authority prior to the commencement of this part of the works

Reason: to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

17) Existing tiles or slates as appropriate shall be reused wherever possible for re-roofing of the farm buildings and samples for any new slates or roof tiles as appropriate that are required shall be provided to, and approved in writing by, the Local Planning Authority prior to the commencement of the replacement roofing.

Reason: to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

18) Samples of replacement rainwater goods to the farm buildings shall be provided to and approved in writing by, the Local Planning Authority prior to the commencement of this part of the works.

Reason: to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

19) A condition survey and a method statement for repair, and possible rebuilding if essential, of chimney stacks and replacing flashings to the farm buildings by a suitable conservation specialist shall be provided to, and approved in writing by, the Local Planning Authority prior to the commencement of this part of the works.

Reason: to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

20) Existing and proposed plans and a method statement for the electrical and plumbing services and drainage to the farm buildings shall be provided to, and approved in writing by, the Local Planning Authority, prior to their installation.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

21) Details for any extract fans to kitchens and any extract fans and ductworks to bathrooms and WCs shall be provided to, and approved in writing by, the Local Planning Authority prior to the commencement of this part of the works.

Reason: to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

22) Detailed plans and sections to a scale of 1:10 or 1:20 of all proposed replacement and new windows, other than those new casement and hopper lights already shown on plan reference KLF/12/FB 14, are to be provided to, and approved in writing by, the Local Planning Authority prior to their installation.

Reason: To ensure these do not harm any historic fabric or features in order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

23) Detailed plans and sections to a scale of 1:10 or 1:20 of all proposed glazed timber screens and patio windows/doors, with the exception of the proposed patio door to elevation 6, shall be provided to, and approved in writing by, the Local Planning Authority prior to their installation.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

24) Detailed plans and sections to a scale of 1:10 or 1:20 of all proposed new and replacement doors (with the exception of the timber barn doors for which details have already been provided) for the farm buildings, shall be provided to, and approved in writing by, the Local Planning Authority prior to their installation.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

25) Details for the new conservation rooflights shall be provided to, and approved in writing by, the Local Planning Authority prior to their installation.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

26) Demolition work shall be carried out by hand or by tools held in the hand for those items attached to the farm buildings.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

27) The brickwork bond for the bricks used for infilled brickwork shown on the approved plans shall match the existing and samples of bricks to be used to for proposed infilling of areas of brickwork walls shall be provided to, and approved in writing by, the Local Planning Authority prior to their commencement.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

28) New cupboards indicated on the plans shall be freestanding or if they are to be fixed details are to be provided to shall be provided to, and approved in writing by, the Local Planning Authority prior to their commencement.

Reason: To avoid unnecessary fixings to the historic walls and fabric in order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

29) A method statement and existing and proposed plans where necessary for the proposed restoration and conversion of the existing ventilation stacks within unit 3 to light pipes shall be provided to and approved in writing by the Local Planning Authority prior to these works.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

30) Detailed existing and proposed plans and a method statement for the proposed enclosure to the staircase in proposed unit 3 shown on plan KLF/12/FB 05 shall be provided to, and approved in writing by, the Local Planning Authority prior to its installation.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

31) Details of the proposed finish to the proposed timber deck to replace the existing concrete loading dock in the courtyard in front of unit 4 are to be provided to, and approved in writing by, the Local Planning Authority prior to its construction.

Reason: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

32) A method statement and a section plan as appropriate is required for the proposed installation of the new timber framed party wall proposed between units 4 and 5.
Reason: To ensure installation is reversible and does not interfere with features of interest in order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

33) Notwithstanding the detail shown in plan KLF/12/FB 04, the proposed external door opening to the dining room of unit 5 is not part of the approved scheme.
Reason: To preserve historic fabric and character in order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

34) Samples of the feather edged board cladding for the lean-to facade top the proposed workshop are to be provided to, and approved in writing by, the Local Planning Authority prior to the commencement of this part of the works.
Reason: to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

35) A condition survey and associated proposed method statement, and existing and proposed plans where necessary, by a suitably qualified conservation specialist for the repairs to the curtilage brickwork walls shall be provided to, and approved in writing by, the Local Planning Authority prior to the commencement of this part of the works.
Reason: to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

36) If previously unknown evidence is discovered about historic character which would be affected by the works hereby granted, an appropriate record, together with recommendations for dealing with it in the context of the scheme, shall be approved in writing by the local planning authority before any of the permitted works are begun.
REASON: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

37) Suitable precautions shall be taken to secure and protect interior features against accidental loss or damage during the building work hereby granted, and no such features may be disturbed or removed, temporarily or permanently, except as indicated on the approved drawings or with the prior approval in writing of the local planning authority.
REASON: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

38) All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used

and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any conditions(s) attached to this consent.

REASON: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

39) Notwithstanding reference to removal of staircases in the farm buildings, all staircases are to be retained. Any repairs to the existing staircases shall be provided to, and approved in writing by, the Local Planning Authority prior to the commencement of this part of the works.

REASON: To protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

40) Notwithstanding reference to new floor finishes in the budget report, all floor finishes within the farm buildings are to be provided to, and approved in writing by, the Local Planning Authority prior to the commencement of this part of the works.

Reason: to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

41) Notwithstanding reference to levelling floor or ceiling finishes in the listed farm buildings, this is not approved.

Reason: to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

42) Reference to constructing new insulated masonry cavity walls and piers where required including foundations refers only to infilling areas of farm buildings walls as shown on the approved floor plans.

Reason: to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 129, 132 and 134, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and Development Management Policies Local Plan policy DM 7.

INFORMATIVES

The following policies are relevant to this decision:

National Planning Policy Framework paragraphs 128, 131, 132, 134

London Plan policy 7.8,

Harrow Core Strategy policy CS1 D,

and Development Management Policies Local Plan policy DM1, DM 7

CONSIDERATE CONTRACTOR CODE OF PRACTICE

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.

PARTY WALL ACT:

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

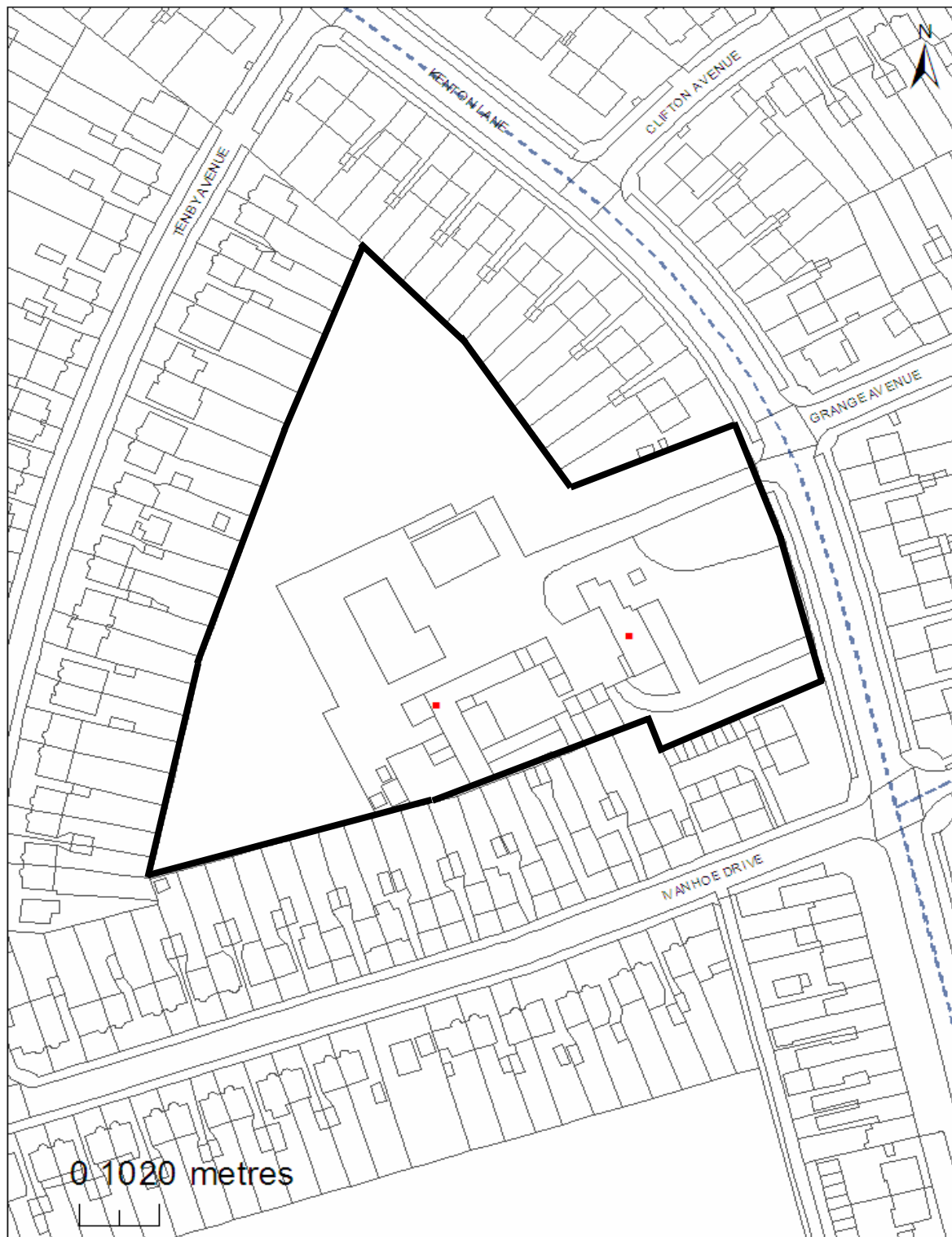
COMPLIANCE WITH LISTED BUILDING CONSENT CONDITIONS

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

- You will be in breach of Listed Building Consent 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: KLF/12/FB 05; KLF/12/FB 02; KLF/13/L14; KLF/12/FB 07; KLF/12/FB 14; KLF/12/FB/09; KLF/12/FB 08; KLF/12/FB 13; KLF/12/FB 10; KLF/12/FB 11; KLF/12/FB 12; KLF/12/FB 03; KLF/12/FB 06; KLF/12/FB 04; KLF/12/FB 01; CONDITION REPORT ON KENTON LANE FARM DATED 14TH DECEMBER 2011; KLF/13/FHMMW 03; KLF/13/FHMMW 02; KLF/13/FHMMV 01; KLF/13/FHMMW 04; KLF/13/DDFH01; KLF/13/DDLB01; KLF/13/DDLB02; KLF/13/DDLB03; KLF/13/FHMMW 08 REV A; KLF/13/FHMMW 06; KLF/13/FHMMW 07; KLF/13/FHMMW 05 REV A; ARCHITECTURAL STATEMENT NOVEMBER 2012; ADDENDUM TO ARCHITECTURAL STATEMENT JULY 2013; HERITAGE STATEMENT - AMENDED SCHEME; HERITAGE STATEMENT AMENDED AUGUST 30TH 2013; PLANNING DESIGN AND ACCESS STATEMENT; BUDGET REPORT FOR MINOR REPAIRS TO A LISTED FARMHOUSE AND MAJOR REFURBISHMENT TO THE FARM BUILDINGS 25TH MARCH 2013; EMAIL FROM AGENT DATED 31ST AUGUST 2013; UPDATED SCHEME VIABILITY REPORT (AS AMENDED AUGUST 2013); CONSERVATION DEFICIT APPRAISAL (August 2013).

KENTON LANE FARM, (BRAZIERS FARM) KENTON LANE, HARROW



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SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No. **2/01**
Address: 43 - 55 WEST STREET HARROW
Reference: P/3259/12
Description: DEMOLITION OF EXISTING FORMER PRINTWORKS BUILDINGS AT 43-49 WEST STREET AND REFURBISHMENT OF 51 WEST STREET TO CREATE NEW MIXED USE DEVELOPMENT FOR PRINT WORKS AND PRINT MUSEUM, WITH ANCILLARY COFFEE SHOP AND OFFICES (SUI GENERIS USE) WITH FIRST FLOOR LINK TO NO.51 WEST STREET; PART DEMOLITION & REBUILD AT 53-55 WEST STREET TO PROVIDE 2 X DWELLINGHOUSES AND 1 DETACHED DWELLINGHOUSE TO THE REAR OF 43-55 WEST STREET WITH TWO-STOREY BUILDING TO PROVIDE CAR PARKING ON GROUND FLOOR & 3 X B1 USE CLASS STUDIO WORKSHOPS ABOVE; ASSOCIATED LANDSCAPING, PARKING AND REFUSE STORAGE
Ward: HARROW ON THE HILL
Applicant: MR GRAHAM HARWOOD
Agent: COTTERELL THOMAS & THOMAS
Case Officer: SUSHILA BHANDARI
Expiry Date: 18/02/2013

Item No. **2/02**
Address: 43 - 49 WEST STREET HARROW
Reference: P/0182/13
Description: PARTIAL DEMOLITION OF FORMER PRINTWORKS BUILDINGS AT 43-49 WEST STREET AND 53-55 WEST STREET (STREET FRONTAGES TO BE RETAINED); DEMOLITION OF BRICK AND TIMBER SHEDS TO THE REAR OF NOS 43-55 WEST STREET
Ward: HARROW ON THE HILL
Applicant: MR GRAHAM HARWOOD
Agent: COTTERELL THOMAS & THOMAS
Case Officer: SUSHILA BHANDARI
Expiry Date: 18/02/2013

P/3259/12

RECOMMENDATION

GRANT planning permission subject to conditions

REASON

The Harwood Printwork buildings have been vacant for a number of years and consequently, whilst still retaining its original façade along West Street, the rear of the buildings have become somewhat dilapidated and in very poor condition. The proposed redevelopment of the site would see the frontage of the building being restored to its former state, and through partial demolition at the rear and the rebuilding of the building to comprise a printworks museum with associated office and coffee shop within the buildings Nos.43 to 51 and two new dwelling houses within buildings Nos.53 and 55, would revive this section of West Street. At the rear, the applicant has now amended the scheme, by removing the two detached dwelling houses that were located close to boundary abutting the rear gardens of the dwelling houses along Yew Walk and now seeks to provide one two storey detached dwelling house and a further two storey wing attached to No.43 to provide additional art space. The revised scheme is considered to be acceptable and overcomes the concerns with regards to loss of privacy and outlook of the neighbouring residents along Yew Walk. It is considered that the redevelopment of the site would have an acceptable impact upon the character and appearance of the locality and the adjoining neighbouring occupiers and by restoring the main façade along the West Street, the proposal would enhance the character and appearance of Harrow on Hill Village Conservation Area. On this basis, this application is recommend for grant. The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy 2012, and the Development Management Policies Local Plan 2013, as well as to all relevant material considerations including any responses to consultation.

P/0182/13

RECOMMENDATION

GRANT Conservation Area Consent, Subject to conditions

REASON

The applicant has amended the scheme since its original submission to now retain and restore the main façade of Nos.43 to 49 West Street including the restoration of Nos.51 to 55 and demolition of the part of the buildings at the rear, which would be rebuilt in matching materials. The proposed redevelopment of the site is considered to be acceptable and would enhance the character and appearance of the Harrow on the Hill Village Conservation Area, which at present is in a dilapidated condition with the grounds at the rear severely overgrown. In this regard, the partial demolition of the buildings at the rear is outweighed by the need to bring back the site in to use through an appropriate form of redevelopment that respects the character and appearance of the area and as such, the demolition works in this location are considered to be acceptable. The decision to grant conservation area consent has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy 2012, and the Development Management Policies Local Plan 2013, as well as to all relevant material considerations including any responses to consultation.

INFORMATION

The application is reported to the Planning Committee because the application falls outside of the scheme of delegation and because of the public interest on the proposed redevelopment of the site.

Statutory Return Type: Minor Development

Council Interest: None

Gross Floorspace:

House A – 67.96 sqm

House No.53 – 117.11 sqm

House No.55 – 124.13 sqm

Plot D – 120.24

Print Museum (including coffee chop/ offices/ storage) – 431.81 sqm

Total Area 861,25

Net additional Floorspace: as above sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £30,143.75
Harrow CIL Contribution after 1st October 2013: £34,012 based on net floor area of 309.2 sqm for C3 dwelling houses only. There is no CIL liability for uses falling under Class D1

Harrow CIL:

Site Description

- The application site is situated on a steep part of West Street and comprises two group of buildings predominately used as B1 print work studios. The site also wraps around the rear of Nos.39, 41 and 57 to 69 West Street.
- The application is located in the Harrow on the Village Conservation Area, which is one of Harrow's most prestigious Conservation Area.
- Nos.43 to 49 West Street are situated on the higher ground level and comprise a row of four terraced properties that have been linked internally. These properties are two storeys high at street level and three storeys high at the rear. No.49 has been extended at the side with a single storey side extension with basement, which was added around the 1950's.
- Nos.51 to 55 comprises 4 units that form part of a terrace of two storey high buildings. These units are also used as part of the Print Works studios.
- There area a number of ancillary disused buildings and garages located within the rear part of the site. This area is also very densely vegetated and overgrown. The land to the rear also slopes to the north and west and therefore there are significant level changes across the site.
- There are a large number of trees on this site that are predominantly self-sown. The t site is not covered by a Tree Preservation Order (TPO). However the mature trees on this site are protected by virtue of them being located in a Conservation Area.
- The application site is predominantly bounded by residential development. Nos.57 to 63 West Street form part of the terrace that part of the application site relates to. These properties are characterised as small cottages. Nos.69 and 67 comprise a pair of three storey Victorian Villas. To the north (rear) of the site is a recently build

development, Yew Walk which comprises two storey terraced dwelling houses laid out as a cul-de-sac. No. 39 and 41 abutting the eastern side boundary are two storey terraced dwelling houses.

- The northern side boundary is densely vegetated with mature hedgerow which provides a screening between the Yew Walk development and the older development along West Street. There is an existing footpath running parallel with the northern site boundary which can be accessed from the side of No.69 West Street or from the side of the row of garages located in Yew Walk. Part of the footpath located along the rear boundaries of Nos.1 to 4 Yew Walk is overgrown and inaccessible. The footpath is owned by Harrow School and therefore is a private access.
- Nos.43-49 and No.51 are locally listed buildings. The application site is also situated within the setting of Nos.31-35 West Street, which are Statutorily Listed Buildings, and within the setting of the locality listed buildings located at Nos.39, 41, 40 to 60 West Street, Old Mission Hall on West Street, Edwardian Post Box on the corner of West Street and Victoria Terrace and 2 Crown Street.
- Directly opposite the site is The Castle Public House.
- There are three storey buildings located on the corner junction of West Street and Crown Street.
- The application site is located within the sitting of the Harrow Park Registered Park and Gardens.
- The application site is located within the Harrow on the Hill Area of Special Character and falls within an archaeological priority area designation.
- The site is also located south of a site of nature conservation importance.
- Most parts of West Street and Crown Street are not subject to a controlled parking zone. Yew Walk is a private estate and has its own parking control measures in place.

Proposal Details

- The proposal seeks to demolish the rear walls (including relevant party walls) of Nos.43 to 49 and 53 to 55 West Street, and the existing single storey side extension at No.49 and retain the façade of these buildings along West Street. A new two storey wing (Plot D) is proposed at the rear of Nos.43-45, which would link into the main building along West Street. A further two storey building is proposed within the north-western section of the site (in parallel to the rear garden of No.67 West Street). A first floor link extension is proposed between No.49 and No.51 West Street (following the demolition of the existing single storey side extension).
- It is proposed to rebuild Nos.43 to 49 and No. 51 (rear only) as a mix used development which would comprise a classic car collection and part of Hardwood Print Works Museum at basement level, Pint Museum, Art gallery and Coffee Shop at ground floor level and 2 office suites at first floor level.
- The frontage of Nos.43-55 would be restored and the windows would either be repaired or replaced with timber framed sash windows to match the existing. The first floor link extension (between No.49 and 51) would be constructed in brick work to match the existing façade and a flat roof over. The pitched roof over the buildings would be constructed with slate tiles.
- The new rear wing (Plot D) would provide car parking spaces at ground floor level (for up to 4 cars) and an Art Museum at first floor level, which would have a direct link from the main building along West Street. This rear wing would be constructed in part rendered walls with tile hanging above. A gable pitched roof is proposed over this building which would have a total of 8 roof lights inserted within the roof slope.

- No.53 West Street would be converted into a 3 bedroom, 5 person unit with a Gross Internal Area (GIA) of 117.11 sqm.
- No.55 West Street would also be converted into a 3 bedroom, 5 person Unit with a GIA of 124.13 sqm.
- The new two storey house within the north-western section of the site would be a 2 Bedroom, 3 Person unit with a GIA of 67.96 sqm. The building is shown to have part rendered walls with red/brown tile hanging above. The roof would either be constructed with slate or clay tiles. A gable end roof is proposed over the dwelling house, which would include solar panels on the southern roof slope.
- Each new dwelling house would have access to its own private rear garden.
- The parking for the Commercial use would be accessed from the new widened access located between No.49 and 51, which would lead to a private courtyard. A new metal railing gate is proposed to access the courtyard. There is no parking proposed for the dwelling houses along West Street or that proposed on Plot A.
- The heights of the buildings along West Street would remain as same as the existing.
- The proposal would also include the rebuilding of the existing retaining wall along the eastern and northern site boundaries and a new timber fence above.

Revisions to Previous Application

Following the previous withdrawn application (P/1054/10) the following amendments have been made:

- Light industrial (B2) building at the rear removed and replaced with parking and Art Museum.
- Previously proposed flats removed.

The following amendments have been made to this current application:

- The façade of the building fronting West Street to be retained.
- The houses on plots B and C have been removed.
- The western elevation of the new house on Plot A has been amended to show yellow stock brickwork in place of the self coloured lime render and red/brown plan tile hanging.

Relevant History

HAR/1384 – Garage
Refused – 06/05/1949

HAR/3382 – Extension of premises for use as offices
Granted – 14/06/1950

HAR/3382/A – Extension to printing works – single storey
Granted – 20/12/1950

HAR/6907 – House as office and store
Granted – 13/10/1952

HAR/3382/B – Extension to printing works – 3 storeys
Refused – 05/06/1953

HAR/3382/C – 3 storey extension to printing works
Refused – 14/08/1953

HAR/3382/D – Erection of extension at 1st floor level
Granted – 22/10/1953

HAR/3382/E – Erection of 2nd floor extension
Refused – 18/11/1954

HAR/3382/F – Erection of 1st floor extension
Refused – 21/07/1955

HAR/6907/A – continued use of premises as office, etc
Granted - 13/01/1956

HAR/3382/G – Continued use of addition to printing works
Granted - 13/01/1956

HAR/3382/H – Rebuild Nos.43-47 with present use of offices, stores, etc
Refused – 31/01/1958

HAR/3382/I – Erection of petrol pump and tank
Refused - 15/04/1959

HAR/3382/J – Use land for printing trade
Granted - 15/02/1960

LBH/3832 – Continued use of premises for printing
Granted – 20/01/1969

LBH/3832/1 – Continued use of premise for printing trade business
Granted – 19/03/1974

LBH/3832/2 – Continued use of premise for printing trade business
Granted - 30/01/1976

LBH/19223/W – Continued use for printing
Granted - 05/05/1981

P/1054/10 - Demolition of existing former printworks buildings; creation of printworks museum (use class d1), associated mix use development including offices (b1), light industry (b2), storage (b8), retail (a1), three dwelling houses and two self contained flats (c3); refuse, landscaping; new vehicular access and associated parking
Withdrawn – 14/07/2010

P/1115/10 - Demolition of existing printworks buildings
Withdrawn – 14/07/2010

Pre-Application Discussion (Ref.)

-

Applicant Submission Documents

- Design and Access Statement (summarised as follows)

- Site was last used as a printworks with ancillary offices and an extensive courtyard to the rear that has become overgrown in more recent times.
- The applicant still operates a small print facility from of the existing buildings.
- The remainder are unused and in various states of disrepair and dereliction.
- Only the frontages are to be retained if 43 to 49 and 53 and 55 West Street, with new fabric to the rear, the properties will be upgraded to some extent (achieving improved energy efficiency) while also enhancing the conservation area.
- It is proposed to retain those trees deemed capable of long term retention and to plant further trees in suitable locations as part of an agreed scheme of landscaping which can be secured by way of suitably worded planning conditions.
- Aim is to develop a sustainable scheme for the development and use of the site that will contribute positively to the character, appearance, vitality and viability of the Conservation Area.
- Scheme has been designed to respond to the very strong presentation of the site in the street scene of West Street and the dominance of the more recent 3 storey development in Yew Walk to the rear.
- Scheme has been designed to be subservient to these two, more dominant, local townscape influences.
- All interventions to the architecture on the frontage buildings have therefore been minimised so that the essential characteristics of the appearance of the site within the street scene are maintained.
- The new build elements to the rear have been designed to be no more than two storey in height so that they can be largely concealed behind existing buildings to the front and rear.
- New development would not appear against the skyline from any vantage point and it is proposed to safeguard a number of more mature trees on the site.
- The scheme has been prepared having regard to the guidance set out in Safer Places.
- The association of museum and the café to the print works is considered appropriate in the area and will contribute to providing vitality and viability to the development scheme itself as well as to the wider Conservation Area.
- Landscaped area is proposed in the courtyard
- All building will be designed to achieve the highest standards of sustainability with regard to materials, energy and water use.
- Reasonable level of parking is proposed having regard to the availability of alternative travel options and the need to minimise traffic generation in the interest of the character of the area.
- Existing bus services provide good links to nearby commercial and shopping centres.
- The site is located almost equidistant between the London Underground Stations of South Harrow and Harrow on the Hill station.
- Proposed development will comply with part M of the building Regulations.
- In respect of the proposed new dwellings, the development set out to meet the requirements of Lifetime Homes standards.

Consultations

English Heritage (summarised as follows) Dated 21 June 2013 – following second round of consultation

Application has been noted by the Greater London Archaeological Advisory Service (GLAAS) as potentially affecting a heritage asset of archaeological interest.

Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments of heritage assets and how they would be affected by the

proposed development. This information should be supplied to inform the planning decision.

Appraisal of this planning application using the Greater London Historical Environment Record and information submitted with the application indicates a need for further information to reach an informed judgement of its impact on heritage assets of archaeological interest.

The application lies within the Archaeological Priority Area for Historic Harrow; an area with potential for medieval and earlier archaeological remains.

The following further studies should be undertaken to inform this application:

Desk-based assessment.

The nature and scope of assessment and evaluation should be agreed with GLAAS and carried out by a developer appointed archaeological practice before any decision on the planning application is taken. The consultant's report will need to establish the significance of the site and the impact of the proposed development. Once the archaeological impact of the proposal has been defined a recommendation will be made by the GLAAS.

If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development. If planning permission is to be refused then we recommend that the failure of the applicant to provide an adequate archaeological assessment be cited as a reason for refusal.

English Heritage (summarised as below) dated 27 March 2013

The site lies in an area where archaeological remains may be anticipated, and is within a designated archaeological priority area as defined by the borough. It is within the boundaries of the medieval settlement of Harrow, which was well established by the 12th century. West Street saw a great use and expansion in the post-medieval period, with many buildings from the 17th and 18th centuries still standing. The proposed development will not only affect the present buildings on the site, but will also introduce new buildings at the rear of the street frontage, where outbuildings, yards and ancillary activities are likely to have occurred.

In accordance with the recommendations given in NPPF paragraphs 135 and 141, and in the borough's local policies, a record should be made of the heritage assets prior to development, in order to preserve and enhance understanding of the assets.

The archaeological position should be reserved by attaching a condition to any consent granted under this application.

Natural England (summarised as follows)

The ecological survey submitted with this application has not identified that there will be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal. However when considering this application, the council should encourage opportunities to incorporate biodiversity in and around the development. Example of which include green/ brown roof, landscaping, nesting and roosting sites, sustainable urban drainage systems and local wildlife site.

Biodiversity Officer:

Generally the Biodiversity Report is reasonably robust in its findings. It does miss out the London and Harrow BAPs and the Mayor's Biodiversity Strategy (2002) but the report's conclusions and recommendation would not have been altered significantly by this omission.

I support its findings and recommendations - as far as the latter is concerned I would expect bird and bat boxes to be provided on existing buildings and suitable trees, and regarding any new buildings I would want to see bird and bat boxes built into the fabric of such structures. Bird boxes should cater for Principal Species in England and London BAP Species such as house sparrow, starling, house martin and swift.

The biodiversity report also recommends the planting of nectar-rich, non-invasive plant species to increase the biodiversity value of the site for insects such as bumble bees and butterflies, which I also support and add that 'cottage garden' style planting would be most applicable here.

CAAC:

Highways Authority

There are no specific concerns with the proposed mixed use of the development i.e sui generis, B1 and C3. The main difference from the submitted and previously withdrawn application P/1115/10 is the provision of single family residential units rather than flatted proposals.

The likely traffic generated by the whole development will be inherently constrained by the very nature of Harrow on the Hill whereby freely available parking is rare hence the parking provisions on-site will form the baseline of activity in traffic terms. The six spaces provided will be available for the proposed mixed uses and will therefore be self-regulating owing to this limited parking provision both on and off site. Patronage is likely to be off peak and possibly undertaken as part of existing linked trips to the area either by car or by more sustainable means. In summary traffic generation is unlikely to measurably impact on the local area given the limited physical scale of the attraction.

In principle the proposed access to the site is acceptable in positioning owing to the likely low usage of the facility. To facilitate the widened access the demolition of an adjacent building will be required and hence a full construction management plan will be required via appropriate condition given the traffic sensitivities of the location.

Refuse collection is expected to occur via West Street itself which is acceptable on the premise that the internal site management regime ensure that refuse bins are placed no further than 10m away from the site boundary with the highway on collection days in line with the council's refuse code of practise.

The residential units should facilitate 1 secure and accessible cycle space per unit as per The London Plan 2011 with at least one space for the B1 element.

Drainage Authority:

No objections subject to standard conditions

Environmental Health Officer:

Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties.

A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the L.P.A. Such agreed works shall be implemented in the approved form prior to the commencement of any use hereby

permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose

No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties.

No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays unless agreed otherwise in writing by the LPA.

The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.

Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

No fires to be lit on site at any time.

A wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.

All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

All building materials shall be stored within the site.

Advertisement

Character of Conservation Area, Demolition in Conservation Area and Setting of Listed Building

First Advertised: 31.01.2013

Expired: 21.02.2013

Second Advert: 20.06.2013

Expired: 11.07.2013

Notifications

Sent: 64

Replies: 11

1st Notification

Expiry: 13.02.2013

2nd Notification

Expiry 03.07.2013

Addresses Consulted

West Street - 29, 29a, 29b, 29c, 31, 33, 35, 39, 41, 55b, 57, 59, 61, 63, 67, 69, 71, 73,75, 6a, 26, 28, 30 (The Castle Public House), 30a, 32, 34, 38, 40, 42, 44 SRM Works

Crown Street – 1, 3, 5, 2, 2a, 2b

Victoria Terrace – 1, 2

Meadow View – 1, 2, 3

Yew Walk – 1 to 12

Summary of Responses

Response following 1st Notification

- Welcome the maintenance of the land buildings
- Loss of privacy from building on Plot A
- Noise and disturbance resulting from the use of the new house in close proximity
- Deep excavation and heavy building so close to existing 100 plus year old building
- Loss of trees
- Conservation of nature – land is an observable vital passageway for wildlife
- Extra generation of traffic – any commercial premises will generate an additional burden on parking situation which is also stretched to a limit
- Road access – inadequate provision for the extra parking for the commercial and the houses at A1 and Nos.53 and 55
- Permission planning decision for this same matter were refused
- Impact on existing drainage system
- Emergency service access for the building on Plot A on shown
- Any property placing their refuse bins in front of neighbouring property on collection day or obstructing the public footpath/ alleyway
- If the commercial premises fail – this is simply a prelude to these premises also being converted into yet further private accommodation
- Impact on conservation area and area of special character
- Plans do not reflect the correct geometry between No.57 and 55 and none show the boundaries between neighbouring gardens making it impossible to work out exactly what backs on to exactly whose garden
- No document to show the western elevation of No. 55, the existing exposed western wall forms a boundary with the garden of No.57.
- Legends on drawing do no match the symbols.
- Reference to the garden of No.61 is overgrown is untrue and should be amended
- Will accept no damage to No.57
- Impact of the demolition works on peaceful enjoyment and the length of the project
- Is not in keeping with the surrounding area both in size and style
- Would result in the loss of unique shop fronts
- Replacement buildings do little to conserve the original style of the properties

- Renovation would be preferable to maintain the character of the Conservation Area
- Density of building – construction of buildings A, B and C would represent an overdevelopment
- Site plan is inaccurate as Nos.61 and 63 have been extended and this is not shown
- Backland development – Building A constitute inappropriate development – garden grabbing
- Loss of light due to the close proximity of building A and overbearing
- Plans fail to show the shed located at the bottom of the garden of No.61 West Street – consequently inadequate provision made for the access to the structure as entry appears to be via the garden of Building A
- Would have adverse impact on asset value of properties
- Too many different use types and no thought given to the viability nature and longevity of the uses
- House A is poorly sited with poor access, incongruous design inappropriate and unsympathetic
- Buildings at the rear sited too close to the boundaries and are unattractive
- Boundary shown on ordinance survey extract plan is incorrect and includes a garage owned by Harrow School

Response following 2nd Notification in addition to similar responses received as above the following comments were also made:

- Unclear what the use of the land at the rear of No.67 and 69 will be – if used as garden would lead to loss of privacy
- Land subject to knot weed – is this going to be eradicated
- Question why West Street needs a coffee shop – this street has a low footfall
- Museum will no add any value to the street
- Support the restoration of the frontage but still object to the new dwellings to the rear
- Offices cause more vehicular traffic as evident at the power house, 87 West Street
- There is already a coffee shop within 100 yards of the site
- Already difficult to access and negotiate the road due to excessive parking

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework (NPPF), which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

MAIN CONSIDERATIONS

- 17) Principle of the Development
- 18) Character and Appearance of the Conservation Area/ Locally Listed Buildings/ Area of Special Character
- 19) Residential Amenity
- 20) Archaeological Priority Area
- 21) Traffic and Parking
- 22) Impact on Trees and Biodiversity
- 23) Accessibility
- 24) Sustainability
- 25) Equalities Impact
- 26) S17 Crime & Disorder Act
- 27) Consultation Responses

1) Principle of the Development

The lawful use of the site as a whole including the ancillary buildings at the rear and the grounds attached to the buildings is use class B1 (light Industrial). The site has been vacant for a number of years and the buildings are in poor condition. The site is not located within any designated Business or Industrial Use Areas and therefore the loss of the existing light industrial use can be supported under policy DM 31 of the DMP subject to meeting the policy tests set out under criterion C and D of this policy which will support the loss of industrial uses where it can be demonstrated that the site is no longer suitable and viable as a industrial or business use. Whilst there has been no marketing information submitted with this application to support the loss of business use, the proposal does seek to retain some office space with at least half the site also being used for commercial purposes. In this regard, the loss of the existing light industrial use can be supported on the basis that, whilst noting the redevelopment would comprise residential development, it would still retain some element of economic activity on the site.

National Planning Policy Framework (2012), The London Plan (2011), The Harrow Core Strategy (2012) and the recently adopted Development Management Policies Local Plan (2013) all seek to increase housing supply locally, regionally and nationally, and promote the provision of high quality mix of housing.

Policy 3.8 of The London Plan 2011 encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. This policy requires consideration to be given to the accessibility of the site to services and amenities.

The proposal would provide an increase in smaller to medium scale housing stock within the Borough. Policy 3.4 of The London Plan promotes the optimisation of housing output within different types of location and the development would accord with these aims.

Policy CS1.A of Harrow's Core Strategy 2012 undertakes to manage growth in accordance with the spatial strategy. The spatial strategy directs residential and other development to the Harrow & Wealdstone Intensification Area, town centres and, in suburban areas, to strategic previously developed sites. Policy CS1.B of the Core Strategy resists development on garden sites, recognising the propensity for such proposals to lead to unmanaged, incremental growth that undermines the spatial strategy. It also resists proposals that would harm the character of suburban areas.

As noted above the site in its current form is classified as a B1 light industrial use and therefore the site including its grounds are regarded as brownfield, previously developed land. The landscaped areas at the rear whilst noting their landscape value cannot be considered to be garden land as the lawful use of the site is light industrial. On this basis, there is no conflict with the policies stated above in terms of the proposed development of the land at the rear. Accordingly, the principle of development is considered to be acceptable.

2) Character and Appearance of the Conservation Area/ Locally Listed Buildings/ Area of Special Character

Character and Appearance of Conservation Area

Policy 7.4 (B) of the London Plan requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.

Core Policy CS1.B specifies that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.'

Policy DM1 of the DMP gives advice that "all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted."

Policy DM7 of the DMP in assessing proposals that affect heritage assets, including non designated heritage assets, seeks to secure the preservation, conservation or enhancement of a heritage asset and its setting, or which secure opportunities for sustainable enjoyment of the historic environment. It goes on to further state under subsection E that in regards to Listed Buildings, the Council will pay special attention to the building's character and any features of special architectural or historic interest which it possesses, and the role of the building's setting in these regards and exploit all opportunities to secure the future of listed buildings particularly those on the 'heritage at risk' register.

The Council has adopted a Supplementary Planning Document (SPD) on Residential Design (2010), which gives design guidance and requires extensions to harmonise with the scale and architectural style of the original dwelling house. Substantial weight is accorded to the SPD as a material planning consideration.

Nos.43-49 and No.51 are locally listed buildings. The application site is also situated within the setting of Nos.31-35 West Street which are Statutorily Listed Buildings and the setting of the locality listed building located at Nos.39, 41, 40 to 60 West Street, Old Mission Hall on West Street, Edwardian Post Box on the corner of West Street and Victoria Terrace and 2 Crown Street

The scheme has been revised since its original submission, in that it now seeks to retain the façade of the buildings along West Street and seeks to restore its original features including the restoration off or new fenestration details to match the original character and appearance of the buildings. The proposed first floor link extension between Nos.49 and

51, subject to the use of appropriate matching materials would preserve the character and appearance of the locally listed buildings and that of the Conservation Area.

Whilst it noted that it would have been desirable to retain the rear sections of the buildings fronting West Street, the existing buildings are in a poor state of repair and considerably dilapidated to the extent that the cost of the restoration of such would outweigh the viability of the scheme to bring the buildings back into use. Given that the applicant now seeks to retain the frontage of the buildings, including the restoration of the existing shop fronts which are an intrinsic features of the locally listed buildings, it is considered that subject to the rear walls including the party wall being built in materials to match the existing, including the fenestration detail, the proposal would to some degree enhance the character and appearance of the Conservation Area.

The proposed two storey link extension sited at the rear of Nos.43 to 47, due to the change in site levels (sloping downwards in a north-western direction) would form a subservient addition to the main building fronting West Street. This extension would be broadly sited on the location of the existing dilapidated garages and outhouses that form part of the former print works. Whilst the height of the built form in the rear location would increase by the addition of a further storey from the existing height of the buildings located at the rear, the height of the new development relative to the site level changes would not appear unduly bulky against the character and appearance of host building or that of the Conservation Area. Notwithstanding this, the materials specified on the proposed drawings being render and tile hung walls are not considered to be in keeping the external appearance of the rebuilt rear elevations of Nos.43-47 West Street, in particular the tile hung detail. It is considered that the external walls of the proposed extension should be rendered wholly to match that of Nos.43-47 West Street. Accordingly, a condition is attached to control the materials to be used in the proposed buildings.

The proposed new two storey dwelling house located on Plot A would be located within the north western corner of the site and would be largely screened from view of the public realm by the existing buildings (Nos. 59 to 69) West Street and would only be accessible from an existing public footpath which runs parallel with No.69 West Street. The rear drawings show that the western elevation of the new house would be constructed in yellow stock brick, whilst the remaining elevations would be part rendered and tile hung. It is considered that the combination of the materials do not work and given that the neighbouring pattern of development (with the exception of Yew Walk) is either in painted or exposed brickwork, it is considered that the materials for the new dwelling house should also be brick to preserve the character and appearance of the Conservation Area. As stated above a condition is attached to this effect.

Areas of Special Character

Policy DM 6 of the DMP when considering development proposals in areas of special character will have regard to, inter alia, the desirability of preserving or enhancing the environmental, architectural, historic and the protected views to and from areas of special character.

The application site is located within the Harrow on the Hill Area of Special Character which is defined by the prominence of the Hill that provides a historic hilltop settlement, in particular St. Mary's Church and historic Harrow School Buildings and the setting created by the major open areas, including contribution of groups and individual trees.

The buildings along West Street forming part of the application would retain the façade and there are no changes to the height of the existing buildings proposed and accordingly this aspect of the proposal would preserve the character of the special area. The first floor extension proposed to link No.49 and 51 West Street would not exceed the height of the existing buildings. The two storey wing extension at the rear would form a subservient addition to the existing building and would due to the change in site levels would be located at a lower site level than the West Street buildings. Similarly, the new dwelling house proposed on Plot A would also be located on lower site level than the main buildings along West Street. In this regard, the proposal would have no detrimental impact upon the protected views of the historic development on the Hill top and accordingly would have no significant impact upon the special character of the area.

Refuse Storage

As noted, DM1 of the DMP specifies that the Council will expect a high standard of design and layout in all developments including adequate refuse storage. The applicant has shown that the refuse bins for Nos.43 to 55 would be located adjacent to the flank wall of No.49 West Street and would be accessible from the new access gated off West Street leading into the new courtyard. It is considered that the location of the bins is appropriate and would safeguard the appearance of the development and that of the area. However, no refuse and recycling bin details have been shown for the new house located on plot A or what arrangement would be in place, given that this site would have no street frontage and only accessible by a public footpath. In light of this, a condition has been attached requesting such details to be submitted to the LPA for approval.

Landscaping

Policy DM23 of the DMP specifies that the Council will seek to achieve and retain a high quality of streetside greenness and forecourt greenery in the Borough. The frontages of the buildings along West Street are set hard up against the adjacent footpath and therefore there is no forecourt for the development. The dwelling houses proposed at Nos.53 and 55 West Street would have private rear gardens only, which would have some soft landscape treatment. The dwelling house located on plot A would not be visible in the public realm, although the applicant has shown some level of soft landscaping in the front and rear gardens of this new dwelling house. The central courtyard located at the rear of No.45 to 51 West Street would be private and with the exception of part glimpses of the courtyard from the access drive between Nos.49 and 51 West Street, the courtyard would be largely screened from view of the street scene. The applicant has shown this area to be laid with hard and soft landscape works. The level proposed is considered to be acceptable subject to a condition requiring a detailed landscaping plan.

In conclusion, the proposal is considered to be acceptable in terms of its impact on the character and appearance of the area, and would be in accordance with the policies stated above.

3) Residential Amenity

Residential Amenity of Future Occupiers

Room Size and Layout

Policy DM1 of the DMP seeks to ensure that “proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted”.

Policy 3.5C of The London Plan requires all new residential development to provide, amongst other things, accommodation which is adequate to meet people's needs. In this regard, minimum gross internal areas (GIA) are required for different types of accommodation, and new residential accommodation should have a layout that provides a functional space. Table 3.3 of The London Plan specifies minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA's as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. This is supported by policy DM1 of the DMP.

The dwelling house located at No.53 West Street would have a GIA of 117 sqm and the dwelling house located at No.55 West Street would have a GIA of 124 sqm. Both these dwelling houses are shown to have 3 bedrooms which can accommodate up to 5 persons and both would exceed the minimum GIA of 96 sqm set out in the adopted SPD and The London plan. In this regard, the proposed dwelling houses would provide generous living space for the future occupiers of the site.

The proposed new dwelling house on plot A would have a GIA of just less than 68 sqm. Whilst the adopted SPD and The London Plan does not set out the GIA for a 2 bedroom, 3 person dwelling house (two storey house), the proposed floor area would be meet the GIA of 61 sqm for flat of a similar size. In this regard, the proposal is considered to be acceptable.

Outdoor Amenity Space

It is noted that Policy DM27 of the DMP and paragraph 4.64 of the SPD requires that residential development should provide appropriate amenity space. In case of town centre locations, alternative forms of outdoor amenity such as balconies should be explored.

The proposal would include the sub-division of the existing plot to provide a private amenity space for each of the proposed dwellinghouses. On this basis, the proposal is considered to be acceptable with regards to the above policy.

Impact on neighbouring properties

In assessing the impact of the proposed development on the residential amenities of the occupiers of Nos. 1 to 4 Yew Walk, the applicant has amended the scheme from its original submission in that the previously proposed two dwelling house located on plots B and C have been omitted from the revised scheme. The revised scheme has removed the contentious elements of the proposal which were considered to be unacceptable due the close proximity of the site boundary adjoining these neighbouring dwellings, the elevated position of the proposed development and the facing elevation windows amounted to an unsympathetic form of development. By removing these elements, it is considered that the proposal in its revised form would have no detrimental impact upon the residential amenities of the neighbouring occupiers in terms of loss of outlook, overshadowing or privacy. The proposed two storey rear wing would be sited a minimum distance of 8.5m from the closest boundary with No.2 Yew Walk. The distance retained and the provision of soft landscaping along the boundaries with these neighbouring dwellings is considered to be sufficient to mitigate any perceived impact upon the residents along Yew Walk.

In relation to Nos. 39 and 41 West Street, whilst it is acknowledged that the outlook from the rear windows and the rear garden of these dwelling houses would be affected by the proposed two storey rear wing extension, this extension would essentially replace the existing outbuildings and stores located on the site. The additional height of the building

would be mitigated by the changes in site levels, whereby the land slopes steeply from east to west and to the north and as such the proposed extension would be sited on lower ground level to the site level of the neighbouring site and together with the provision of a pitched roof which would slope away from the boundaries adjoining both of these dwelling houses, it is considered that the impact of the proposed extension would not be significantly overbearing beyond the existing situation to warrant a refusal. There are no windows proposed in the eastern elevation of the proposed extension. The proposed roof lights in the eastern roof slope would have an oblique relationship with the neighbouring sites and as such would not give rise to an unreasonable level of overlooking of the neighbouring dwellings.

In relation to the impact of the proposed development on No.57 West Street, the rebuilding of the flank and rear walls of No.55 West Street would be broadly on a like for like basis, as currently the layout of No.55 is such that it wraps around the rear wall of No.57 in a 'L' shape layout at both ground and first floor levels. The proposal would follow a similar layout. It is considered that the proposed rebuild works at the rear and the conversion of the property at No.55 into a single family dwelling house would have no detrimental impact upon the residential amenities of the occupiers at No.57 West Street in terms of loss of light, outlook or privacy.

The proposed new dwelling house located on plot A would face Nos.59 to 63 West Street and at an oblique angle with Nos.67 and 69 West Street. In assessing the impact of the proposed dwelling house on the residential amenities of Nos.59 to 63, the boundary to the proposed new dwelling house would retain some 8m to the rear of these dwelling houses and a further distance of 1.5m would be retained between the site boundary and the proposed southern elevation of the proposed dwelling house. Given the site level difference in that the land slopes down in a north western direction, the proposed new dwelling house would be sited on a lower site level in comparison to these neighbouring dwelling houses. Taken together with the orientation of the proposed dwelling being to the north of these neighbouring dwelling houses, it is considered that the proposed development would not have an impact in terms of loss of light or outlook. The southern elevation would have habitable room windows and a door at ground floor level. However, these windows would be largely screened from the view of Nos.59 to 63 by the proposed boundary fencing and as such there would be no unreasonable loss of privacy. The window proposed at first floor would serve a bathroom and can be conditioned to be obscure glazed and fixed shut below the height of 1.7m above the finished floor level. As such, there would be no unreasonable level of overlooking of the neighbouring properties as a result of this window. The windows in the western elevation would have an oblique relationship with the dwelling houses located on Nos.67 and 69 West Street and as such there would be no impact on the privacy of these neighbouring dwellings. The windows in the northern elevation would be sufficiently sited away from No.71 West Street and No.5 Yew Walk and therefore there would be no impact upon these neighbouring dwelling houses.

In assessing the impact of the proposed use of No.43 to 51 as a print work museum, coffee shop, art gallery and offices, it is acknowledged that the proposal would increase activity on the site through comings and goings. However, the level of associated activity is unlikely to be greater than what can be associated with the existing lawful use of the site as use class B1 – light industrial, as such, the proposed uses would not have a detrimental impact upon nearby neighbouring amenity.

4) Archaeological Priority Area

Policy DM7 of the DMP when considering proposals affecting an archaeological priority area, the Council will have regard to:

- a. the known or anticipated significance of the archaeology;
- b. the likely implications of the proposal upon the archaeology; and
- c. the need to preserve the archaeology in situ; or
- d. the adequacy of arrangements for the investigation, recording, archiving and (where appropriate) curation of archaeology not requiring preservation in situ.

The applicant has not provided a desktop assessment of the impact the proposal could have on archaeology within the area and as such it is not possible to assess the implications of the proposal on the archaeological priority area. In the first consultation response received from English Heritage, it was considered that in light of the condition of the existing buildings and in order to bring forward the renovation project of these buildings, a desktop assessment could be controlled by condition. Following the receipt of revised drawings showing the retention of the façade of the building along West Street a second round consultation was undertaken by the LPA. In the second consultation response, English Heritage raised an objection on ground of insufficient information. Given that the only changes shown on the revised drawings related to the façade of the drawing, there was no significant change to warrant a different opinion to that raised under the first round of consultation. Accordingly, it is considered that the desktop assessment can be controlled by condition and therefore the proposal is considered acceptable in this regard.

5) Traffic and Parking

Policy DM42 of the DMP gives advice that developments should make adequate provision for parking and safe access to and within the site and not lead to any material increase in substandard vehicular access.

The proposal has shown 4 parking spaces for the proposed commercial use, which the Council's Highway authority considers to be acceptable given the relevantly low footfall the proposed uses would attract. It is acknowledged that on street parking along West Street is at a premium, given that there are limited free parking spaces along West Street on first come basis. The proposal does not show any off-street parking provision for the proposed dwelling houses so the demand for such would have to be met by on-street parking. Whilst this is not an ideal situation given the limited parking on street, it is considered that the situation would be far worse if the site was brought back into use as a B1 use Class. Notwithstanding this, the Council's Highway Authority has raised no objection to the proposal and accordingly the proposal is considered acceptable.

6) Impact on Trees and Biodiversity

Trees

The site is not subject to a Tree Preservation Order (TPO). However the mature trees on this site are protected by virtue of them being located in a Conservation Area. The applicant has submitted a Tree Report in support of this application, which concludes that majority of the trees within the site are of low quality of which many are self sown. Consequently the development proposal would require a removal of large number of trees on the site, including those that are causing physical damage to the existing buildings.

The Council's Tree Officer has raised no objection to the proposed development, for

which a condition is imposed to ensure that a tree protection plan be submitted for the trees to be retained. In addition as part of the landscape proposal, planting of new species can be controlled by condition to ensure that the development makes provision for the trees that would be lost as a consequence of the development.

Biodiversity

The application site is not itself located in a designated Site of Importance for Nature Conservation (SINC).

The applicant has submitted a full Ecological survey, including a bat survey to support this application. The bat survey concludes that there is no presence of bat roosts or activity within the existing roof space of the buildings. The survey has identified that there is a problem of Japanese Knotweed on the site and recommends that this should be eradicated in line with the advice provided in the knotweed code of practice. The report has concluded that the site lacks habitat connectivity. However flying animals such as bats and birds and stag beetles are likely to utilise the site and specifically its mature trees for commuting and foraging. The site lies a significant distance from the nearest designated SINC located some 1km to the north of the site and as such the future plans for the site would be unlikely to affect the integrity of the habitats found within the designated sites. Notwithstanding this, the survey has made a number of recommendations with regard to the actual demolition process and what should be done if a bat or bats are found during the development. The survey also recommends that all Japanese Knotweed should be eradicated from the site before any development commences. The Council's Biodiversity Officer has raised no objections to the findings of this survey is satisfied with the information provided.

In conclusion, the proposal would therefore not give rise to any harm in terms of the objectives set out policies DM21 and DM22 of the DMP. .

7) Accessibility

Residential Development

Policy DM2 of the DMP and policies 3.5 and 3.8 of The London Plan (2011) seek to ensure that all new housing is built to 'Lifetime Homes' standards. Furthermore, The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion.

Policy CS1.K of the Harrow Core Strategy requires all new dwellings to comply with the requirements of Lifetime Homes. Supplementary Planning Document *Accessible Homes* 2010 (SPD) outlines the necessary criteria for a 'Lifetime Home'

Whilst details of Lifetimes Homes has not been shown on plan, the supporting Design and Access statement shows that the proposed dwelling houses would meet all relevant Lifetime Homes Standards. It is however noted that due to the site constraints being that the existing properties along West Street are on a hill incline, it is unlikely that level access to the two dwelling houses at Nos.53 and 55 could achieve level threshold access. Notwithstanding this, the internal layout should strive to achieve other Lifetime homes standards. Accordingly a condition is attached to ensure the new dwelling house are built to meet such standards.

In this regard, the proposal is considered to be acceptable and would meet the policies stated above.

Commercial development

Policy DM2 of the DMP and policy 7.2 The London Plan requires all future development and change of use proposals to meet the highest standards of accessibility and inclusion. The Council's has adopted a Supplementary Planning Document 'Access for All' 2006, which provides detailed guidance on achieving an accessible design.

The proposal seeks to provide level threshold entrance to the museum and the proposed coffee shop. The accompanying Design and Access statement states that all internal doors and WC facilities would be accessible.

In this regard, the proposal is considered to be acceptable.

8) Sustainability

Policy 5.1 of The London Plan 2011 seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent by 2025. Harrow Council has adopted a Supplementary Planning Document on Sustainable Building Design (adopted May 2009).

For minor development proposals, the development plan at this point does not set out energy and sustainability targets greater than those required by Building Regulations. As these standards will be secured through other legislation, no conditions are required in relation to sustainability measures. Accordingly, no conflict with sustainability policies in the development plan is found.

9) Equalities Impact

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

10) S17 Crime & Disorder Act

Policies 7.3.B and 7.13.B of The London Plan, saved policy D4 of the UDP and emerging policy DM1 of the DM DPD require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal.

The proposed layout of the development would result in natural surveillance of each property between each of the dwelling houses and from the street scene. In this regards, the proposal is considered not to give rise to any conflict with regards to the above stated policies.

11) Consultation Responses

All matters raised in the consultation responses that are relevant to planning policy have been addressed in the above appraisal. Matters relating to the party wall and property values are not material planning considerations.

CONCLUSION

The Harwood Printwork buildings have been vacant for a number of years and consequently the buildings, whilst still retaining its original façade along West Street, the rear of the buildings have become somewhat dilapidated and in very poor condition. The proposed redevelopment of the site would see the frontage of the building being restored to its former glory and through partial demolition at the rear and the rebuilding of the building to comprise a printworks museum with associated office and coffee shop within the buildings Nos.43 to 51 and two new dwelling houses within buildings Nos.53 and 55, would revive this section of West Street. At the rear, the applicant has now amended the scheme, by removing the two dwelling houses that were located close to boundary abutting the rear gardens of the dwelling houses along Yew Walk and now seeks to provide one two storey detached dwelling house and a further two storey wing attached to No.43 to provide additional art space. The revised scheme is now considered to be acceptable and overcomes the concerns with regards to loss of privacy and outlook of the neighbouring residents along Yew Walk. It is considered that the redevelopment of the site would now have an acceptable impact upon the character and appearance of the locality and the adjoining neighbouring occupiers and by restoring the main façade along the West Street, the proposal would enhance the character and appearance of Harrow on Hill Village Conservation Area. On this basis, this application is recommend for grant. The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy 2012, and the Development Management Policies Local Plan 2013, as well as to all relevant material considerations including any responses to consultation.

CONDITIONS

P/3259/12

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. Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not commence until samples of the materials and details 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: materials to be used in all external refurbishment works including fenestration details

b: materials to be used in the proposed first floor link extension, two storey rear extension and the construction of the new two storey dwelling house

c: All the boundary treatment, including the boundary treatment for the sub-division of rear garden and the new vehicular and pedestrian entrance gate to the courtyard

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 and the Harrow on the Hill Conservation Area, in accordance with policy 7.4B of The London Plan 2011 and policies DM1 and DM7 of the Harrow Development Management Policies Local Plan 2013.

3. 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 proposed courtyard, which shall include the provision of replacement trees and hedgerows for the whole site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities. Hard landscape works shall include full details and specifications of hard surfacing materials.

REASON: To safeguard the appearance of the locality in accordance with policy 7.4B of The London Plan 2011 and policies DM1 and DM23 of the Harrow Development Management Policies Local Plan 2013.

4. 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 dwelling house, 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 of the locality in accordance with policy 7.4B of The London Plan 2011 and policies DM1 and DM23 of the Harrow Development Management Policies Local Plan 2013.

5. The development hereby approved shall not commence until a detailed scheme incorporating measures to protect the trees (to BS5837) that are to be retained on the site as specified in the approved Tree Report has been submitted to, and approved in writing by the local planning authority. The approved measures shall be implemented prior to any demolition or any other site works and shall be retained during the course of construction, unless otherwise agreed by the local planning authority.

REASON: The trees worthy of retention on the site represent an important amenity feature which the local planning authority considers should be protected in accordance with policy DM22 of the Harrow Development Management Policies Local Plan 2013.

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

REASON: To ensure that adequate drainage facilities are provided in accordance with the objectives set out under the National Planning Policy Framework 2012 and policy DM10 of the Harrow Development Management Policies Local Plan 2013.

7. The dwelling houses hereby permitted, as detailed in the submitted and approved drawings and the Design and Access Statement, 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 policies 3.5, 3.8 and 7.2 of The London Plan 2011, policy CS1.K of the Harrow Core Strategy 2012 and policy DM2 of the Harrow Development Management Policies Local Plan 2013.

8. The development hereby approved shall not be occupied until a suitable boundary treatment such as a fence or wall of a maximum height of 2000mm has been provided along the line of the proposed sub-division of the plots. Such a fence or wall shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
REASON: To safeguard the privacy and amenity of future occupiers and neighbouring residents in accordance policy DM1 of the Harrow Development Management Policies Local Plan 2013.

9. The proposed first floor windows in the flank walls of the dwelling house located on plot A shall be of purpose-made obscure glass, and be permanently fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.
REASON: To safeguard the amenity of neighbouring residents and that of the future occupiers of the site, in accordance policy DM1 of the Harrow Development Management Policies Local Plan 2013.

10. 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 the approved drawings shall be installed in the south and north elevations of the approved dwelling house on plot A, the east flank elevation of the two storey rear wing extension and the flank elevations of the dwelling house at No.55 West Street of the development hereby permitted without the prior permission in writing of the local planning authority.
REASON: To safeguard the amenity of neighbouring residents in accordance with policy DM 1 of the Development Management Policies Local Plan 2013.

11. The premises shall only be used for the purpose specified in the application (D1 museum and art gallery) (A3 café) and for no other purpose, including any other purpose in Classes A and D of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in 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 those of the future occupiers of the site and the character of the locality and in the interests of highway safety in accordance with policies DM1 and DM42 of the Harrow Development Management Policies Local Plan 2013.

12. The use relating to museum/ art gallery and coffee shop hereby permitted shall only be used for the following times:-
a: 0900 hours to 19.00 hours, Monday to Saturday inclusive,
b: 0900.hours to 18.00 hours, Sundays or Bank Holidays,without the prior written permission of the local planning authority.
REASON: To safeguard the amenity of neighbouring residents and those of the future occupiers of the site, in accordance with policy DM1 of the Harrow Development Management Policies Local Plan 2013.

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 in accordance with policy DM10 of the Harrow Development Management Policies Local Plan 2013.

14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To manage the impact of the development upon the local area during its construction in the interests of public amenity and the local natural environment in accordance with policies DM1 and DM42 of the Harrow Development Management Policies Local Plan 2013.

15.

A) No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

REASON: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given policy DM7 of the Harrow Development Management Policies Local Plan 201 and in the National Planning Framework 2012.

CONDITIONS

P/0182/13

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

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made in relation to P/3250/12, and submitted to and approved in writing by the Local Planning Authority, and planning permission has been granted for the development for which the contract provides.

REASON: To safeguard the appearance of the locality and the Harrow on the Hill Conservation Area, in accordance with policy 7.4B of The London Plan 2011 and policies DM1 and DM7 of the Harrow Development Management Policies Local Plan 2013.

INFORMATIVES

1. The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011)

Policies 3.1, 3.5, 3.8, 5.2, 5.3, 5.12, 5.13, 6.9, 7.1, 7.2, 7.3, 7.4, 7.6, 7.8

The Harrow Core Strategy (2012)

Core Policies CS1.B, K, X, U

Development Management Policies Local Plan (2013)

Policies DM1, DM2, DM7, DM10, DM22, DM23, DM31, DM42.

Supplementary Planning Document – Residential Design Guide (2010)

Supplementary Planning Document – Accessible Homes (2010)

Supplementary Planning Document – Access for All (2006)

Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008).

Supplementary Planning Document – Garden Land Development (2013)

Harrow on the Hill Village Conservation Area Appraisal and Management Strategy (2008)

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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 PARTY WALL ACT:

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

4 COMPLIANCE WITH PLANNING CONDITIONS

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.

5. Grant with pre-application advice

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

6. Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of **£30,143.75** of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

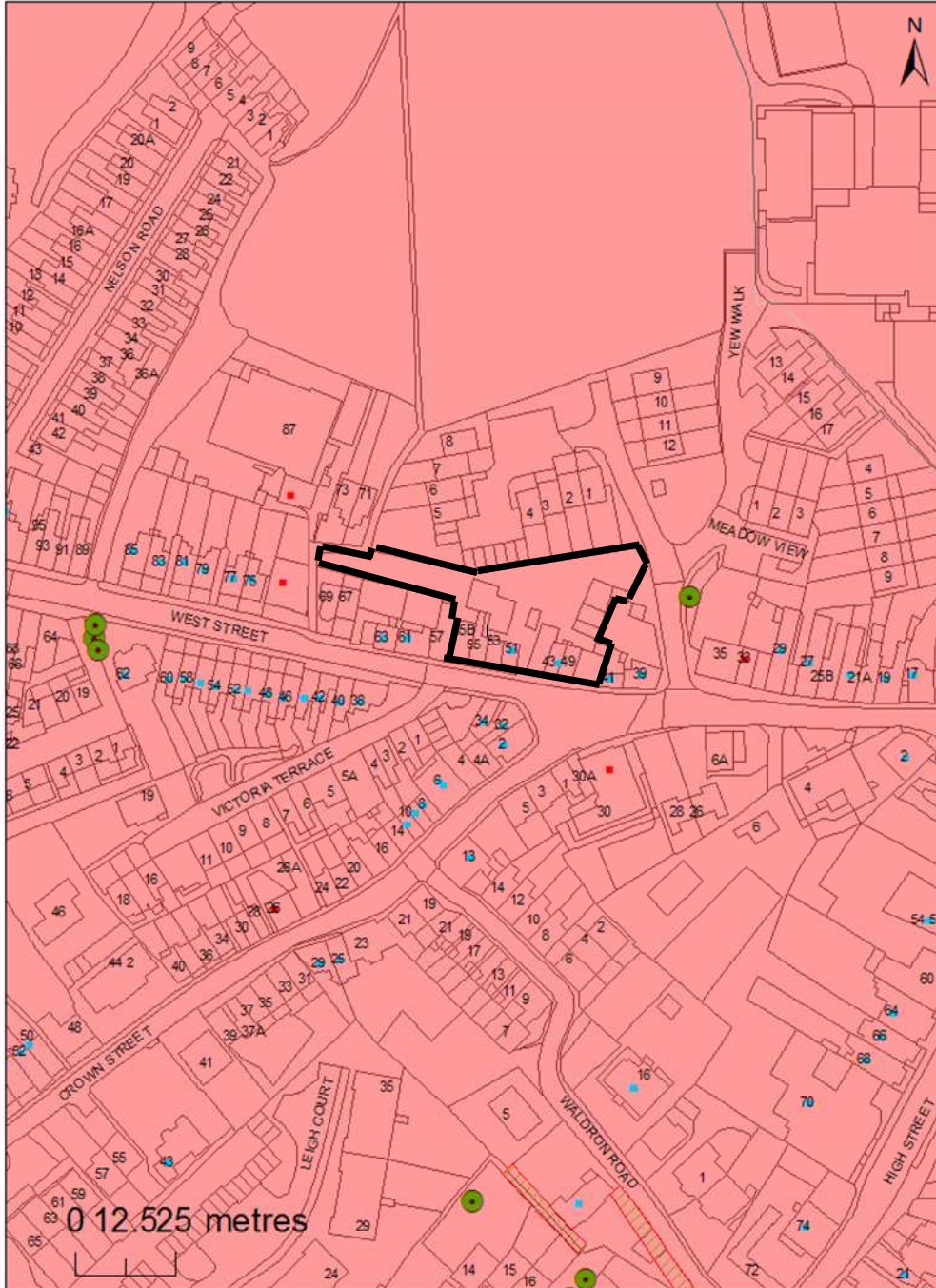
Your proposal is subject to a CIL Liability Notice indicating a levy of **£30,143.75** for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 439.77 sqm

You are advised to visit the planning portal website where you can download the appropriate document templates.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/ci>

Plan Nos:

43 – 55 & 43 – 49 WEST STREET, HARROW



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Item No. **2/03**

Address: THE COUNTING HOUSE, 352 PINNER ROAD, NORTH HARROW

Reference: P/1445/13

Description NEW SHOP FRONT AND REPLACEMENT WINDOWS AT FRONT (MEZZANINE LEVEL) AND AT REAR; RE-MODELLING OF EXISTING ACCESS RAMP FRONTING STATION ROAD AND SUB-DIVISION OF EXISTING RETAIL UNIT; CHANGE OF USE FROM RETAIL(USE CLASS A1) TO USE CLASS D1 AND/OR D2

Ward HEADSTONE NORTH

Applicant: PADDINGTON CHURCHES H.A.

Agent: IPD MIDLANDS

Case Officer: SUSHILA BHANDARI

Expiry Date: 13 SEPTEMBER 2013

RECOMMENDATION

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

REASON

The proposed change of use of the existing vacant shop (use class A1) to either use class D1 and/or D2 would bring back the current vacant premises back into use, which has been vacant since the completion of the development which was granted under ref: P/2447/04/CFU. The site is not located within the active shopping frontage of Pinner Road, but rather on the return side fronting Station Road and as such the proposed change of use would not impact upon the retail function of this section of the North Harrow Shopping Centre. Furthermore the proposed change of use would permit either a commercial or community use which would benefit the wider community in comparison of the existing situation of a vacant premise that has failed to attract any retailer. The proposal would have no undue impact upon the residential amenities of adjoining properties and it would have no undue impact upon the character and appearance of the area. The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy 2012, and the Development Management Policies Local Plan 2013, as well as to all relevant material considerations including any responses to consultation.

INFORMATION:

This application is being reported to Planning Committee as the proposal is for the change of use of the premises with a floor area of 744.40 square metres, which falls outside the scheme of delegation under category 1(d), dated 29th May 2013.

Statutory Return Type: 16: Minor retail distribution and services

Council Interest: None

Gross Proposed Internal Floorspace: 744.40 sqm

Net Additional Floorspace: 0sqm

GLA Community Infrastructure (CIL) Contribution: N/A as there is no additional floorspace

Harrow CIL Contribution: Nil as the uses proposed are excluded from CIL liability created

Site Description

- The application site forms part of a larger development which was granted planning permission under P/2447/04/CFU for the redevelopment of the site to provide a 3-6 storey building comprising a supermarket at ground floor level, 112 flats, and community facility.
- The unit at present is vacant and has been since the completion of the development.
- The lawful use of the unit is use class A1 (Retail).
- The unit was formerly part of a larger retail unit which has now been sub-divided, whereby the larger unit fronting Pinner Road has been converted into a Gym (use class D2).
- The unit is accessed from Station Road and spread across the ground floor and mezzanine level, with a total floor area of 744 square metres.

Proposal Details

- The proposal seeks to change the use of the existing unit (744 square metres) from Retail (use class A1) to use class D1/ D2, but excluding uses falling as schools, crèches, day nurseries, cinemas, bingo halls, swimming baths, skating rinks, tennis courts, cricket and football pitches, golf courses, driving ranges, all outdoor sports facilities, music and concert halls.
- The proposal also seeks to install a new shop front and windows at mezzanine level and at the rear.
- The existing ramp at the front (fronting Station Road) would be remodelled to a gradient of 1:10 with a new platform area adjacent to the entrance to the ground and mezzanine level.

Relevant History

P/2447/04/CFU – Redevelopment for 3-6 storey building to provide supermarket 112 flats community facility; parking and access and extension of time to complete s106 agreement
Granted – 19-Oct-2006

P/0352/08/DVA – Variation of condition 3 of planning permission P/2247/04/CFU
Granted – 10-Mar-2008

(Allowed for phased occupation of the development)

P/2390/08/DVA – Details of highway reinstatement works required by condition 2 of planning permission P/2247/04/CFU
Granted – 24-Jul-2008

P/2743/10 – Modify section 106 Agreement to planning permission P/2247/04/CFU dated 16-Oct-2006 to change the tenure types
Awaiting completion of Agreement

P/3481/11 – New shopfronts in association with the conversion of existing one single retail unit into three retail units; front ramp steps and handrails and external alterations
Granted – 20-Apr-2012

P/1891/12 – Change of use from retail to gym/health and fitness centre (Use Class A1 to Use Class D2)
Granted – 02-Oct-2012

P/3103/12 – New shopfront and doors to Pinner Road elevation
Granted 15-Feb-2013

P/3180/12 - Details pursuant to condition 5 (noise levels) attached to planning permission p/1891/12 dated 02/10/2012 for change of use from retail to gym/health and fitness centre (use class a1 to use class d2)
Granted 04/03/2013

Applicant Submission Documents

- Design and Access Statement (summarised as follows):
 - Proposal relates to the remaining unoccupied retail unit which has a mezzanine floor over it.
 - Proposals to bring the unoccupied retail space by remodelling the external ramp and providing a new shop front with bi folding doors.
 - Internally a separating wall will create an access corridor to the existing wheel chair compliant lift which gives access to the mezzanine floor above.
 - No scope to change the scale of the building
 - No landscaped areas within the scheme.
 - New shop fronts will be grey coloured to match the resident windows above the retail units, with new windows to the rear elevation in the same colour.
 - Users for the unit will access from Station Road.
 - Delivery and refuse vehicles will access the site from Station Road via the existing access (as approved) and then there is a shared off loading bay to the rear of the units.
 - Egress from the site is via Cambridge Street.
 - There is no parking on site for the retail units and intention is that the Cambridge Street car park directly opposite the site behind Broadway Parade is used by visitors and staff.
 - The fit out of the commercial units will be by others.

Consultations

Highway Authority (summarised as follows):

In broad terms this is a reasonable location for the proposed D1 and/or D2 uses given the high level of public transport accessibility (PTAL) achieved by the proximity of North Harrow train station combined with wide spread parking controls in the locality which assist in rendering the site reliant more so on public transport which is of course encouraged and welcomed.

The D1 and D2 use categories cover a wide range of uses which are undefined at present hence a worst case D1 use analysis has been considered in the form of a GP surgery which is statistically the highest expected traffic generator within both use classes. The surgery would be anticipated to generate vehicle movements somewhere in the region of 50 two-way trips during peak am & pm traffic periods which is marginally above the level associated with the consented A1 use. However as the difference in activity is marginal with this 'worst case' example the anticipated level of intensity does not raise measurable concerns notably in the context of the good PTAL and limited parking facilities in the area which are considered likely factors to restrain private motor car use linked to this address. These are the most significant 'physical' factors in reducing private car travel to and from the site thereby helping to achieve a more sustainable user travel profile. Also in the case of a GP surgery and other use types within the D1 & D2 classes, some related trips are expected to be 'linked and/or diverted trips' generated by other destinations in Harrow (and beyond) hence limiting the occurrence of 'new' traffic being imposed on the highway network thereby reducing additional congestion/pollution etc.

The nearby Cambridge Road public car park is within reasonable proximity of the address and does exhibit some spare capacity which would no doubt be utilised by some patrons. It is however noted that there is already a significant committed development in the form of the North Harrow Community Centre coupled with the Gym use next door which will also utilise the car park in the future hence some available capacity will be reduced. Notwithstanding this aspect it is considered reasonable for this proposal to utilise some of the parking within the car park when the need arises as it relieves on-street parking pressures.

In summary the highway and public transport networks are unlikely to suffer from any adverse impact in capacity terms as compared to the consented A1 use.

A framework travel plan will need to be submitted to address the parameters required to enhance the profile of sustainable travel to and from the site by the eventual end user. Therefore the travel plan should be secured via condition once an end user is identified.

Although an end user is not currently identified it is anticipated that servicing will not increase in intensity as compared to the consented A1 use and hence does not raise any specific concerns.

The final level of cycle parking for a D1 and/or D2 use should conform to London Plan 2011 standards and this again would be secured by appropriate condition.

In summary the proposal is acceptable on highway grounds.

Headstone Residents' Association

There seems to be some uncertainty about the proposed usage of the site.

1. Application form Section 3 and the Transport Statement refer to change of use Class D1/D2 yet the Design and Access statement refers to new shop front and the fit out of the commercial units. Estate agent signs now on the site say 'Commercial Unit to Let'.

2. Application Form Section 19 Employment refers to 2 full time and 4 part time proposed employees. The Design & Access statement refers to subdivision into 2 smaller units; this is not mentioned in the application Form and not clarified. Is it ground floor/ mezzanine floor? Does the proposed change of use cover the whole property or one subdivided units?

3. Application Form Section 10 Vehicle Parking refers to 19 car park spaces. This is incorrect. From the Design & Access statement there is no parking on site for the retail units. From the Transport Statement: No car parking will be provided on site for the proposed D1/ D2 usage. The existing car park is for residents of the flats.

4. Application Form Section 12 (Assessment of Flood Risk) says that the site is not within 20 metres of a watercourse. This is incorrect. The culverted Yeading Brook runs underneath the site. The same section indicated a Flood Risk Assessment is required. Has this been requested?

5. We also commented: the privacy of residents of the flats at Dukes Court (entrance to the left as shown on Elevation. Station Road) must be ensured. It must not be possible to overlook their entry keypad from the application premise or by any CCTV which may be installed.

Advertisement: None

Notification

Sent: 136

Replies: 0

Expiry: 12/08/2013

Neighbours Consulted:

352A and 352B Pinner Road

The Counting House, 352 Pinner Road

Flats 1 to 10 Yeoman Court, Pinner Road

Flats 1 to 10 Utopia Court, Station Road

Flats 1 to 49 Savoy Court, Station Road (including Community Centre)

First Floor Flat, - 368a, 370, 370a, units at rear of 368-370, 368-370, 372, 372a, 376-378, 378, 378a, 374a, 374 Pinner Road

The Gym Units 1, 2 and 3 354-366 Pinner Road

Flats 1 to 17 Patience Court, Canterbury Road

Flats 1 to 27 Dukes Court, Station Road

Summary of Responses:

n/a

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework (NPPF), which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

MAIN CONSIDERATIONS

Principle of Development
Character and Appearance of the Area
Impact on Residential Amenity
Highway Safety and Parking
Accessibility and Inclusivity
Equalities Implications
S17 Crime & Disorder Act
Consultation Responses

1) Principle of Development

The application site previously formed part of the main retail unit fronting Pinner Road, which is currently in use as a Gym following the approval of planning permission under P/1891/12 for the change of use from Class A1 (retail) to Class D1 (Gym). The application site is subdivided from the larger unit and benefits from its own entrance from Station Road. The larger unit is located within the primary shopping frontage of North Harrow District Centre as defined on the Harrow Policies Map, however the frontage of the subject site is not located within any designed frontage of the town centre and as such would be excluded from the assessment required under policy DM36 of the DMP relating to changes of uses in primary shopping frontages and policy DM37 of the DMP relating to changes of uses in secondary and designated shopping frontages. In this regard, the most relevant policy in assessing the principle of this proposal is policy DM38 of the DMP which relates to other town centre frontages and neighbourhood parades. It is noted that the North Harrow District Centre does have a Local Development Order (LDO) in place, which came in to force on 1st July 2012 and is effective for 3 years. However, the subject site is not covered by this LDO and as such this is not a material consideration when assessing this application.

Policy DM38 of the DMP states within non-designated parades of town centres, the use of ground floor premises for purposes that are appropriate town centre, community and economic uses will be permitted provided that they *inter alia* provide a window display or other frontage appropriate to the centre and there would be no detrimental impact upon the amenity of neighbouring occupiers or highway safety.

The proposal seeks to subdivide the existing unit which has a total floor area of 744 sqm into two units, whereby the ground floor would form one unit comprising a floor area of 245 sqm and the mezzanine floor would form the second unit which would have a floor area of 499 sqm.

Following this subdivision, it is proposed to change the use of the site from use class A1 (retail) to use classes D1/ D2 (but excluding uses falling as schools, crèches, cinemas, bingo halls, swimming baths, skating rinks, tennis courts, cricket and football pitches, golf courses, driving ranges, all outdoor sports facilities, music and concert halls). The applicant has not specified an end user, but is seeking a flexible D1/ D2 use in order to attract broader range potential users for the site. The unit has been vacant since the time of the completion of the substantive development. Whilst no marketing data has been provided in support of this application, the local planning authority is aware that the applicants have been trying to let the subject site for a number of years as a retail unit but have not been successful in finding a user for the site. It is considered that whilst there is no end user for the site, the flexible use as D1/ D2 would allow the applicants to market the sub-divided units for other commercial or community base uses and in turn bring the vacant unit back into use. On this basis, and subject to the imposition of a condition to ensure certain types of uses that fall within use classes D1 and D2 are prohibited, the proposed change of use would be acceptable and would serve to meet the policy aspirations set out under policy DM38 of the DMP.

2) Character and Appearance of the Area

Policy 7.4 (B) of the London Plan requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.

Core Policy CS1.B specifies that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.'

Policy DM1 of the DMP gives advice that "all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted. This is further supported by Policy AAP1 of the AAP.

The proposal would see the existing openings that are currently boarded with timber panels at ground floor and mezzanine level (front and rear), replaced with new grey PPC double glazed windows and a new shop front to the ground floor unit fronting Station Road. The proposal would also include minor modification to the existing ramped entrance to the ground floor to change the gradient of the ramp to 1:10 and the extension of the level platform to allow access to the newly created shop front entrance.

The proposed external alterations stated above would be minor in scale and match the materials that have been used in the existing building. As such, the proposal would have no detrimental impact upon the host building or the character and appearance of the area.

With regards to the refuse arrangement, the applicant will utilise the existing storage of refuse and recycling materials which is located within the shared delivery area at the rear and accessed from the service yard off Station Road. There is a service platform at the rear of the building (attached to the ramped exit at the rear) which would allow the bins to be brought

down from the upper to lower ground level. The arrangement in place as existing and for the proposed units is considered to be acceptable.

In conclusion, the proposal is considered to be acceptable and would be in accordance with the policies stated above.

3) Impact on Residential Amenity

Policy DM1 of the DMP seeks to ensure that “proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted”. As stated above policy DM38 of the DMP will support changes of use within non-designated parades of town centres so long as such a use would not have a detrimental impact on the amenity of neighbouring occupiers.

The proposed external alterations, including the modification to the ramp fronting Station Road would not amount to any additional floorspace or extensions and therefore there would be no impact in terms of loss of light or outlook on neighbouring occupiers. The new windows to be inserted in the existing openings and would be sited below the existing windows of the residential flats above. As such there would be no loss of privacy of the residential occupiers above.

In regard to the proposed change of use of, it is accepted that certain types of uses that fall within the use classes D1 and D2 could give rise to unacceptable level of disturbance to the residential amenities of neighbouring occupiers. Whilst it is noted that there is no end user for the proposed units once they have been subdivided, the applicant has agreed to remove certain types of uses that would be normally permitted under Classes D1 and D2 in order to safeguard the residential amenities of neighbouring occupiers. A breakdown of the uses that would be permitted and those that would be restricted/removed have been set out below:

Class D1

Uses that would be permitted:

Clinics, health centres, day centres, art galleries (other than for sales or hire), museums, libraries, halls, places of worship, law court and non-residential education centres.

Uses that would be excluded:

Crèches, day nurseries and Schools.

Class D2

Uses that would be permitted:

Gymnasiums or area for indoor sports or recreation.

Uses that would be excluded:

Cinemas, music and concert halls, bingo halls, swimming baths, skating rinks, tennis courts, cricket and football pitches, golf course, driving ranges and all outdoor sports.

As seen from the list above, the uses that are most likely to cause nuisance in terms of excessive noise or disturbance or are likely to have a traffic safety impact (discussed further below) have been excluded and accordingly a condition has been attached to this effect. It is considered that the uses that would be permitted as a result of this approval would be unlikely

to have a detrimental impact upon the residential amenities of the neighbouring occupiers. Furthermore, the site is located on a busy distributor road and the residents in the flats above are already exposed to ambient level of noise from the surrounding road network. Notwithstanding this, a condition is also attached to control the hours of operation in line with the hours of operation of surrounding commercial uses of both units to safeguard the residential amenities of the surrounding residents, including those located opposite on Station Road and Gloucester Road. It is noted that the applicant has not specified the hours of operation as there is no end user in mind at present, it is considered that a condition controlling the hours of operation is justified in this case.

In conclusion it is considered that the proposed changes of use would have no detrimental impact upon the residential amenities of the neighbouring occupiers and therefore the proposal would give to no conflict with the policies stated above.

4) Highway Safety and Parking

Policy DM42 of the DMP give advice that developments should make adequate provision for parking and safe access to and within the site and not lead to any material increase in substandard vehicular access.

The application site does not have any allocated parking spaces as part of substantive development. The 19 spaces that are stipulated in the application form are for the residents of the development and as such not a consideration in this application. The site can be adequately serviced by the rear service yard, which would be shared with the existing commercial unit fronting Pinner Road.

The applicant has submitted an initial transport impact assessment. Whilst noting that there is no end user for the proposed units and that the proposed change of use would permit a broad range of categories of uses, the anticipated level of traffic generated would not be significantly greater (in case of the worse case scenario being a GP Surgery) than the existing retail use (Class A1). The Council's Highway Authority has raised no objection to the proposed subject to a condition requiring a travel plan to be submitted once an end user has been identified. In this regard, it is considered that the proposal would give rise to no conflict with the policy stated above.

5) Accessibility and Inclusivity

Policy DM2 of the DMP and policy 7.2 The London Plan requires all future development and change of use proposals to meet the highest standards of accessibility and inclusion. The Council's has adopted a Supplementary Planning Document 'Access for All' 2006, which provides detailed guidance on achieving an accessible design.

The proposal does seek to modify the existing ramped entrance so that there is a level access to the new shop front. The width of the door forming part of the entrance to the communal entrance would also meet the requirement set out in the above SPD. Access to the mezzanine level would be achieved by the existing lift serving the building.

In this regard, the proposal is considered to be acceptable.

6) Equalities Implications

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

7) S17 Crime & Disorder Act 1998

Policies 7.3.B and 7.13.B of The London Plan, saved policy D4 of the UDP and emerging policy DM1 of the DM DPD require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal.

The proposal is considered not to give rise to any conflict with regards to the above stated policies.

8) Consultation responses

In response the comments made the Headstone Residents Association:

The full description of the proposal has been set out in the report above.

- Change of use covers the full ground and mezzanine level and it involves the subdivision between the floors as described in the above report.
- The parking situation has been addressed in the report above.
- Whilst it noted that the application form has not been completed correctly in respect of the Assessment of Flood Risk, given that the proposal does not involve any building work other than the minor works relating to the modified access ramp and the new windows, a Flood Risk Assessment is not required. This was confirmed by the Council's Drainage section in a conversation between the Case Officer and the Senior Drainage Officer on the 23.07.2013.

CONCLUSION

The proposed change of use of the existing vacant shop (use class A1) to either use class D1 and/or D2 would bring back the current vacant premises back into use, which has been vacant since the completion of the development which was granted under ref: P/2447/04/CFU. The site is not located within the active shopping frontage of Pinner Road, but rather on the return side fronting Station Road and as such the proposed change of use would not impact upon the retail function of this section of the North Harrow Shopping Centre. Furthermore the proposed change of use would permit either a commercial or community use which would benefit the wider community in comparison of the existing situation of a vacant premise that has failed to attract any retailer. The proposal would have no impact upon the residential amenities of adjoining properties and it would have no impact upon the character and appearance of the area. The decision to grant planning permission has been taken

having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy 2012, and the Development Management Policies Local Plan 2013, as well as to all relevant material considerations including any responses to consultation.

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 new windows, shop front and external access ramp hereby permitted shall match those used in the existing building.
REASON: To safeguard the appearance of the locality in accordance with policy DM1 of the Harrow Development Management Policies Local Plan 2013.

- 3** The premises shall be only be used for the purposes set out as below under sub-sections a) and b) and for no other purpose, including any other purpose in Classes D1 and D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).

 - Class D1 permitted uses include – Clinics, health centres, day centres, art galleries (other than for sales or hire), museums, libraries, halls, church halls, law court and non-residential education centres.

 - Class D2 permitted uses include - Gymnasiums or area for indoor sports or recreation

REASON: To safeguard the amenity of neighbouring residents and the character of the locality and in the interests of highway safety in accordance with policies DM1 and DM42 of the Harrow Development Management Policies Local Plan 2013.

- 4** The use hereby permitted shall only be used for the following times:-
a: 0800 hours to 19.00 hours, Monday to Saturday inclusive,
b: 0900.hours to 18.00 hours, Sundays or Bank Holidays, without the prior written permission of the local planning authority.
REASON: To safeguard the amenity of neighbouring residents in accordance with policy DM1 of the Harrow Development Management Policies Local Plan 2013.

- 5** No music or any other amplified sound caused as a result of this permission shall be audible at the boundary of any residential premises either attached to, or in the vicinity of, the premises to which this permission refers.
REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents in accordance with policy DM1 of the Harrow Development Management Policies Local Plan 2013.

- 6 The use of the premises hereby permitted shall not commence until a travel plan has been submitted to, and approved in writing by the Local Planning Authority. The use shall not be commenced until the details of the travel plan have been implemented in accordance with the approved details and thereafter retained.
REASON: To ensure the satisfactory provision of facilities for all users of the site and in the interests of highway safety, in accordance with policy DM42 of the Harrow Development Management Policies Local Plan 2013.
- 7 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
C/1686/100A; C/1686/101A; C/1686/102B; C/1686/103; C/1686/104A; Site Plan; Design and Access Statement; Transport Statement dated 31.07.2013
REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES:

- 1 **INFORMATIVE:**
The following policies and documentation were taken into consideration:
.
National Planning Policy Framework (2012)

The London Plan (2011)
Policies 6.9B, 6.13C, 7.2C, 7.3B, 7.4B, 7.6B

Harrow Core Strategy (2012)
Core Policy CS1.B

Harrow Development Management Development Plan Document (2013)
Policies DM1, DM2, DM38, DM42

Supplementary Planning Document: Accessible for All (2006)
- 2 Grant without pre-application advice
Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)
This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.
- 3 **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.
- 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:
- work on an existing wall shared with another property;

- building on the boundary with a neighbouring property;
- 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

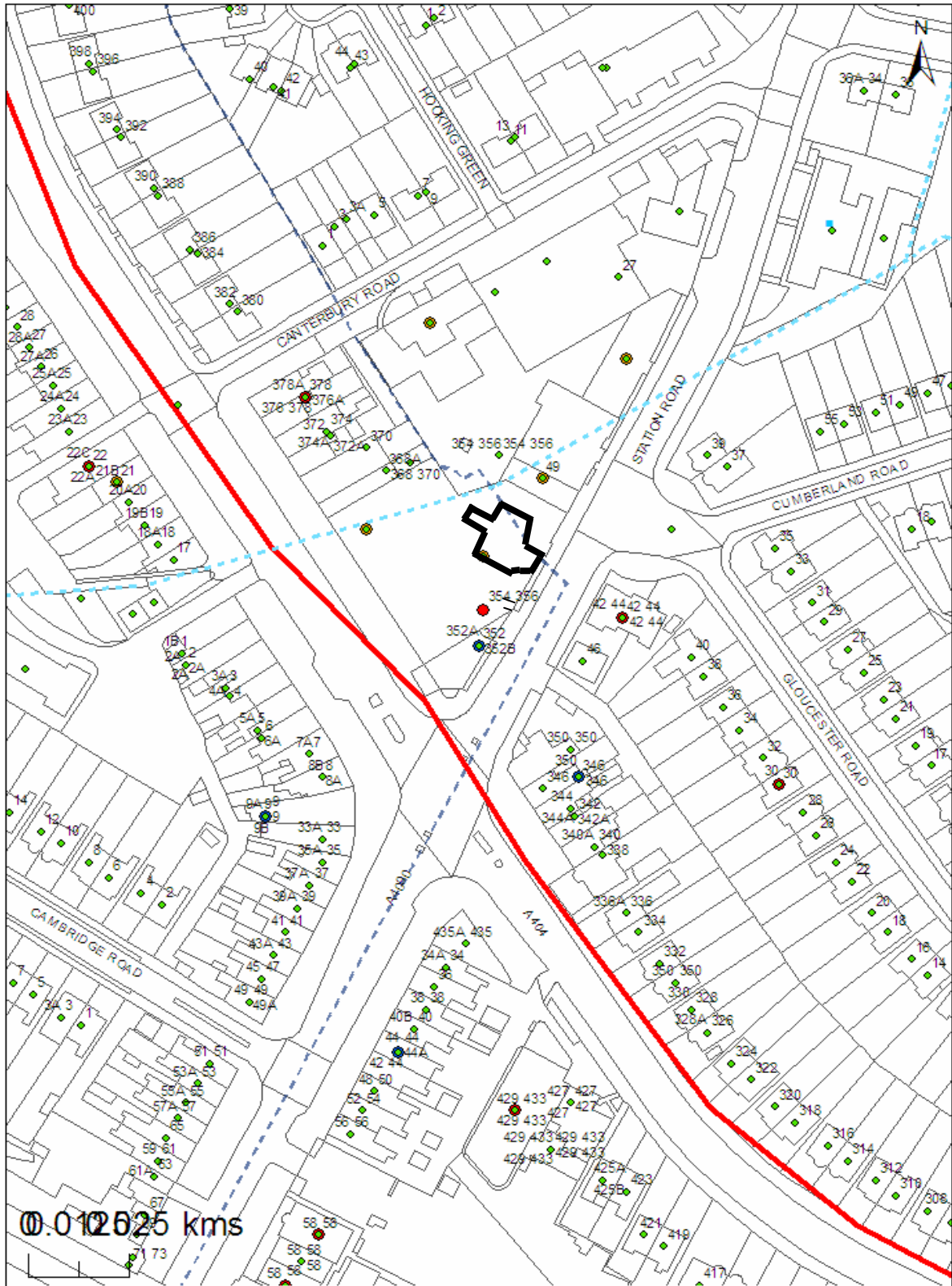
5 INFORMATIVE:

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 No.’s: C/1686/100A; C/1686/101A; C/1686/102B; C/1686/103; C/1686/104A; Site Plan; Design and Access Statement; Transport Statement dated 31.07.2013

THE COUNTING HOUSE, 352 PINNER ROAD, HARROW



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Item No. **2/04**

Address: 103 WAXWELL LANE PINNER

Reference: P/2277/13

Description: REDEVELOPMENT TO PROVIDE 2 X PART SINGLE AND TWO STOREY DWELLINGHOUSES WITH BASEMENTS AND ACCOMMODATION AT ROOF LEVEL

Ward: PINNER

Applicant: MR ASPI CONTRACTOR

Agent: JANE DUNCAN ARCHITECTS

Case Officer: SUSHILA BHANDARI

Expiry Date: 23/09/2013

RECOMMENDATION

GRANT planning permission subject to conditions

REASON

The proposed redevelopment of the site to provide two detached dwellinghouses would be in keeping with the varied pattern and character of development along Waxwell Lane and it would have no detrimental impact upon the residential amenities of the adjoining properties or on the setting of the adjacent Waxwell Lane Conservation Area. The redevelopment of the site would not constitute development on garden land as the dwellinghouses would be located on an area of land where the existing bungalow is situated on and the footprint of the proposed dwellinghouses would not be significantly greater than that of the existing bungalow. Furthermore, the development would meet the policy aspirations to increase housing supply across the borough. The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy 2012, and the Development Management Policies Local Plan 2013, as well as to all relevant material considerations including any responses to consultation.

INFORMATION

The application is reported to the Planning Committee because of the public interest on the proposed redevelopment of the site.

Statutory Return Type: minor dwellings

Council Interest: None

Gross Floorspace: sqm

Net additional Floorspace: sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional):

Harrow CIL:

Site Description

- The application site comprises a large detached bungalow located on the corner plot fronting Waxwell Lane and The Dell.
- Built in the 1960's.
- Existing dwelling has a rear dormer with balcony.
- Dwelling is set back from the highway and is largely screened from view of the highway by the existing vegetation along the front boundary.
- The rear garden is large with mature planting around the site boundary; site level difference between the patio area and lawn area.
- Front garden is laid to gravel with mature planting around the site boundaries and lawn area along the sides of the bungalow.
- The existing site has two access points for off street parking.
- To the north of the applicant site are a row of terraced dwellings situated on small, but adequate sized plots, built around the 1980's.
- To the west of the site, abutting the rear site boundary is no.14 The Dell, a detached two storey dwelling built around the 1960's.
- No.14 The Dell is located at a much lower site level than the application site.
- Land to the West falls away.
- Detached dwelling no.75 located opposite (across The Dell) is a two storey dwelling which is largely screened from view by the vegetation along the flank site boundary.
- The applicant site fronts Waxwell Close, which comprises of two storey semi-detached dwellings that form part of the Waxwell Close Conservation Area.
- The applicant site is also located just outside a floodplain.
- The site is subject to a TPO (no.9).

Proposal Details

- The application proposes two art and crafts style detached dwellings, each being two-storey with accommodation at basement and roof levels.
- The proposed dwellings would be identical in appearance, with the dwelling situated on the southern side (plot 1) being set back 1m behind the proposed dwelling on the north side (plot 2).
- A minimum distance of 1.8m would be maintained between the proposed flank wall to the dwelling house on plot 2 and the site boundary to no.105
- A distance of 2m would be maintained between the proposed flank wall to the dwelling house on plot 1 and the flank site boundary fronting The Dell
- The original plot would be sub-divided into two; each dwelling would maintain a distance of 1m to the proposed new boundary fencing sub-dividing the plot.
- A hipped roof is proposed over the new dwellings with front facing gable projections at two storeys high, which would be subordinate to the main roof.
- Maximum height of the dwellings would be 10.2m.
- The height of this development would be approximately 1m higher than the

neighbouring dwelling no.105.

- Roof lights are proposed to the rear and flank roof slopes to each dwelling.
- Flank windows are proposed along the flank elevations.
- The innermost flank elevation windows would serve the lounge and study at ground floor level and first floor bathrooms and hallway at first floor level.
- The outer flank windows would serve the ground floor and first floor bathrooms/ WC.
- Both dwellings would have integral garages.
- The basement level would lead out on to a sunken terrace area with steps leading up to the main rear garden area.
- Existing trees along the boundary to be retained.

Revisions to Previous Application

- n/a

Relevant History

HAR/11988/L– Erection detached bungalow and garage
Granted – 23/04/1965

LBH/41138 - Roof alterations incorporating rear dormer with balcony
Granted – 24/07/1990

P/2245/07 - Redevelopment to provide 2 x part single and two storey dwellinghouses with basements and accommodation at roof level
Granted – 10/09/2007

P/2342/10 - extension of time to planning permission p/2245/07/dfu dated 10/09/2007 for 'redevelopment to provide 2 x part single and two storey dwellinghouses with basements and accommodation at roof level'.
Granted – 25/11/2010

Pre-Application Discussion (Ref.)

- **None**

Applicant Submission Documents

Design and Access Statement (summarised as follows)

- The proposed development addresses the Council's strategic objectives to make best use of previously developed urban land.
- Comprehensive design approach has resulted in a scheme of high quality design that follows careful consideration of the application site and context, in particular the homogenous development of the Waxwell Close Conservation Area opposite. .
- The proposed houses will meet the needs of larger family households in need of housing provision in the Borough and respect the prevailing mixed residential character of Waxwell Lane.
- The scale. Height and bulk of the development will appropriately respect the eaves and ridge heights of the adjoining property together with substantial first floor separation between to create a 'sky gap'.
- The appearance of the two storey dwellings in the streetscene will ensure that the building respects the prevailing character, scale and appearance of the existing mixed residential design and character of the area and settling of the Waxwell Close Conservation Area.
- The proposed houses will appropriately preserve the character and appearance of their

setting.

- A combination of careful siting will ensure that the two new houses will safeguard the visual amenities and living conditions of existing neighbouring residents.
- The site has good accessibility to Pinner and Hatch End District Centres by non-vehicular modes and Underground and mainline services respectively. The accessibility of the site supports its suitability for residential development.
- The proposed parking accords with the standards for this type of property.
- The internal accessibility provisions and layouts illustrate compliance with the Council's 100%; Lifetime Homes Standards compliance and wheelchair-user requirements.

Consultations

CAAC:

The situation has changed because of those 4 houses on this road. It does have to maintain its rural aspect so the height has to be taken into great care. 103 if stylish would possibly fit in. It is quite a wide block. It is opposite Waxwell Close conservation area. These buildings would be higher than the others around them. The openness created by the bungalow is part of the setting of the conservation area.

Drainage Engineer:

No objections subject to the imposition of standard conditions

Highways Authority

The replacement build entailing an increase from one to two 4 bedroom dwellings would intensify potential activity/occupancy and require a maximum parking provision of up to 2 on-site parking spaces for each dwelling. The scenario suggests 3 spaces which exceeds LP 2011 standards. However owing to the below average PTAL rating for the site it is considered that such provision is acceptable as it assists in reducing the likelihood of injudicious on-street parking arising in the area to the detriment of the public realm. In addition the relatively generous plot sizes physically allow for this level of parking provision with the opportunity to possibly provide a balanced level of amenity space.

Traffic generation would clearly increase at this locality due to the additional dwelling however it is not to a level that would raise concern or detriment to the highway network and is therefore considered de-minimis in measurable highway impact terms as compared to overall traffic flows in the area. The proposal is therefore acceptable in this respect.

As vehicle access provisions for both units are not materially changing, there are no other specific issues to highlight other than the need to provide at least 2 secure and accessible cycle parking spaces per unit in accord with the LP 2011.

In summary there is no objection based on the above text.

Advertisement

Character of Conservation Area

Advert Date: 15.08.2013

Advert Expiry: 05.09.2013

Notifications

Sent: 25

Replies: 9

Expiry: 27.08.2013

Addresses Consulted

75, 105, 107 and 109 Waxwell Lane

1 to 4 Olwen Mews

6, 13 and 14 The Dell

1 to 14 Waxwell Close

Summary of Responses

- Development is on garden land and is garden grabbing.
- Overdevelopment of the site.
- Greatly intrude on privacy.
- Increased height will cut down light.
- There is an increase risk to flooding as more of the area will be concreted over, will impact on the water table.
- The rich variety is slowly eroded and Waxwell Lane will resemble other local roads.
- It is out of keeping and will alter the feel of Waxwell Lane.
- Roof level and basement aspects will appear to be out of character with this area.
- Advancement in solar technology, eco-friendly technology should be utilised – none of this is mentioned in the application and is a waste of an opportunity to reduce the carbon foot print of the development.
- Impact on traffic movements – there would be a total of 5 entrance/exits on a short length of high speed single lane distributor road – risk on parking in the area
- Will cause overlooking and loss of privacy.
- Impact on neighbouring swimming pool - Could potential cause slippage and cracks should the ground be disturbed.
- Area know for its clay/ limestone foundations - would undermine the foundations of many houses.
- Risk associated with builders and lorries – give major concern to traffic jams and health and safety issues – nuisance from building works.
- Losing the natural green feeling - major foundation works could cause potential tree root problems around the proposed site.
- Restrictive covenant in place which states only one detached dwelling should be constructed on these plots.

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework (NPPF), which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012,

Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

MAIN CONSIDERATIONS

- 28) Principle of the Development
- 29) Character and Appearance of the Area/ Impact on the Conservation Area
- 30) Residential Amenity
- 31) Traffic and Parking
- 32) Impact on Trees
- 33) Accessibility
- 34) Sustainability
- 35) Equalities Impact
- 36) S17 Crime & Disorder Act
- 37) Other Matters
- 38) Consultation Responses

1) Principle of the Development

Spatial Strategy and Land Use

National Planning Policy Framework (2012), The London Plan (2011), The Harrow Core Strategy (2012) and the recently adopted Development Management Policies Local Plan (2013) all seek to increase housing supply locally, regionally and nationally, and promote the provision of high quality mix of housing.

Policy 3.8 of The London Plan 2011 encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. This policy requires consideration to be given to the accessibility of the site to services and amenities.

The proposal would provide an increase in smaller to medium scale housing stock within the Borough. Policy 3.4 of The London Plan promotes the optimisation of housing output within different types of location and the development would accord with these aims.

Policy CS1.A of Harrow's Core Strategy 2012 undertakes to manage growth in accordance with the spatial strategy. The spatial strategy directs residential and other development to the Harrow & Wealdstone Intensification Area, town centres and, in suburban areas, to strategic previously developed sites. Policy CS1.B of the Core Strategy resists development on garden sites, recognising the propensity for such proposals to lead to unmanaged, incremental growth that undermines the spatial strategy. It also resists proposals that would harm the character of suburban areas.

With regards to the definition of what constitutes 'garden land' development, the Council has an adopted Supplementary Planning Document (SPD): Garden Land development, which was subject to public consultation and adopted on 11 April 2013. Paragraph 3.6 of the Garden land SPD gives advice that "the redevelopment of an existing dwelling or group of dwellings to provide multiple dwellings or flats on the same building footprint, plus any appropriate enlargements, would be excluded from the definition of garden land development. Paragraph 3.7 of the SPD gives clarity that the Council "will allow any enlargement in footprint for redevelopment proposals that is equivalent to whichever is the larger of either:

- i. the footprint of any permitted extensions (excluding outbuildings) that could be exercised for the dwelling(s); or

- ii. the footprint of an extension (excluding outbuildings) that would be consistent with the Council's Residential Design Guide SPD.

The proposed development would be built on a similar footprint as that of the bungalow occupying the site. The gross floor area of the bungalow is 234.04 sqm, while the combined floor area of the ground floors of the proposed development is 252.42 sqm (excluding the basement area which would be below ground level). Whilst it is noted that the floor area for the proposed dwellinghouses would be approximately 18 sqm greater than the existing bungalow, taking into account the extensions that could be constructed to the existing bungalow which could add a considerable amount of floor area to the existing footprint, it is considered that the footprint would not be a significant amount so as to refuse this application on grounds of loss of garden land and accordingly the proposal conforms to the SPD's guidance above.

In addition to the above the site still benefits from an extant planning permission (ref:P/2342/10) for the same development. The applicant can still implement this permission subject to discharging the pre-commencement conditions attached to that permission,

Whilst it is noted that since the approval of P/2342/10 the Harrow UDP and The London Plan 2004 referred to in this previous application have been replaced with the NPPF, The London Plan 2011, the Harrow Core Strategy 2012 and the new Harrow DMP. However, the design guide set out in the Council's adopted SPD: Residential Design Guide and the thrust of policies contained within the new development plans are broadly reflective of the previous plans that they replace, which seek to achieve a high standard of quality of development and making best use of previously developed land.

For the above reasons, the principle of the proposed development is acceptable, as it's proposed siting and layout would be in keeping with the context and character of the locality. The proposal would not undermine the spatial development strategy for the borough set out in the Core Strategy and would accord with the NPPF 2012, policies 3.4, 3.5A and 3.8 of The London Plan 2011, policies CS1.A and CS1.B of the Harrow Core Strategy 2012 and guidance contained in the Council's Garden Land SPD 2013.

2) Character and Appearance of the Area/ Impact on the Conservation Area

Dwellings

Policy 7.4 (B) of the London Plan requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.

Core Policy CS1.B specifies that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.'

Policy DM1 of the DMP gives advice that "all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted."

The Council has adopted a Supplementary Planning Document (SPD) on Residential Design (2010), which gives design guidance and requires extensions to harmonise with the scale and architectural style of the original dwellinghouse. Substantial weight is accorded to the SPD as a material planning consideration.

This application follows on from a previous applications which was granted under P/2245/07, the lifetime of which was extended under P/2342/10. The development proposed under this application remains exactly the same as that approved under P/2245/07 and P/2342/10.

The application site itself is located on prominent corner plot and the Council's guidelines recognise the particular importance of corner sites that provide significant space and open character. The site, by reason of its openness on the corner, is considered to make a positive contribution to the visual amenity of the streetscene and the suburban character of this locality. The pattern of development along Waxwell Lane is varied in character and appearance, ranging from terrace, semi-detached and detached dwellinghouses of varying sizes and layout.

Although the proposed development seeks to increase the height of development on this site, it is considered that the proposed development would still maintain the open, suburban character of the locality, by retaining the space around the proposed detached dwellings and the respective site boundaries. The proposed development would generally follow the original footprint of the bungalow and the increase in footprint would be limited to the rear and front and only small single storey projections are proposed at the side (outer flank of each dwelling). The proposed basement floor would be obscured from view of the streetscene and the proposed accommodation in the roof space would not entail any dormers and therefore in terms of layout and appearance, the proposed detached dwellings would appear as a two-storey dwelling similar to that of the surrounding locality.

The proposed front building line would not project significantly forward that of the detached neighbouring property at 75 and would be set back behind the row of terraces located to the north of the site. The rear building line to the dwelling house proposed on plot 2 would slightly project rearward, however this projection in footprint would not intercept the 45 degree code taken from first floor rear corner of neighbouring dwelling at 105 Waxwell lane and therefore in terms of bulk and its relation with this neighbouring dwelling, the proposed development would comply with the Council's policy.

The proposed provision of an additional dwelling on this site would intensify the use of this previously developed land, however the existing plot is considered to be capable of accommodating the proposed development. The proposed new dwellings would utilise the basement area to accommodate additional living space. In addition to this, each dwelling would have its own private rear amenity space and provision of off street parking at the front.

Forecourt Treatment

Policy DM23 of the DMP specifies that the Council will seek to achieve and retain a high quality of streetside greenness and forecourt greenery in the Borough. The amount of streetside greenness and forecourt greenery is an important determinant of the character of Waxwell Lane and surrounding streets. The proposed forecourt would have provision for 2 car parking spaces for each dwellinghouse, 1 in each of the driveways and 1 in the integral garage. Whilst there is no detailed hard and soft landscape plans, the indicative layout shown on the proposed block plan suggests that there would be a sufficient level of forecourt greenery to ensure that the sub-urban character of the streetscene is maintained. Notwithstanding this, a condition is attached to ensure a detailed landscape plan showing soft and hard landscape works is submitted to the LPA for approval.

Refuse Storage

As noted, DM1 of the DMP specifies that the Council will expect a high standard of design and layout in all developments including adequate refuse storage. The proposal does not provide any information with regards to how the storage of waste and recycling materials would be achieved. However, it is considered that there is sufficient space at the sides and within the rear gardens of the proposed development to allow storage of the refuse and recycling bins.

In conclusion, the proposal is considered to be acceptable in terms of its impact on the character and appearance of the area, and would be in accordance with the policies stated above.

Impact on the Conservation Area

The application site is located just outside the boundary of the Waxwell Close Conservation Area. There has been no material change in circumstances on the site, or a significant change in the character and appearance of the conservation area that would warrant a different view on the design and appearance of the proposed development and its impact on the character and appearance of the conservation area. As such, the proposal is considered to be acceptable in relation to policy DM 7 of the DMP, which seeks to preserve or enhance the character and appearance of a Conservation Area.

3) Residential Amenity

Residential Amenity of Future Occupiers

Room Size and Layout

Policy DM1 of the DMP seeks to ensure that “proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted”.

Policy 3.5C of The London Plan requires all new residential development to provide, amongst other things, accommodation which is adequate to meet people’s needs. In this regard, minimum gross internal areas (GIA) are required for different types of accommodation, and new residential accommodation should have a layout that provides a functional space. Table 3.3 of The London Plan specifies minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA’s as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. This is supported by policy DM1 of the DMP and policy AAP13 of the AAP.

The proposed dwellinghouses would have an overall floor area of approximately 330 sqm (inclusive of the basement and roof space) which would be significantly greater than the minimum floor space standard of 107 sqm for a 4 bedroom, 6 person unit. In this regard the proposed dwellinghouses would provide generous living space for the future occupiers of the site.

With regards to the arrangement of windows to the proposed dwellinghouses, it is considered that although fenestration to the inner flank walls of the proposed development would see windows serving habitable rooms at ground floor level and serving bathroom/ ensuite at first floor level, taking into account that the buildings would be staggered and set away from the site boundary, any mutual overlooking would be at an obtrusive angle. Notwithstanding this, two conditions recommended would be sufficient to ensure firstly, that the flank windows are of obscured glazed and that secondly that a boundary fencing is erected along the sub-division of the plot.

Outdoor Amenity Space

It is noted that Policy DM27 of the DMP and paragraph 4.64 of the SPD requires that residential development should provide appropriate amenity space. In case of town centre locations, alternative forms of outdoor amenity such as balconies should be explored.

The proposal would include the sub-division of the existing plot to provide a private amenity space for each of the proposed dwellinghouses. On this basis the proposal is considered to be acceptable with regards to the above policy.

Impact on neighbouring properties

In assessing the impact of the proposed development on the residential amenities of the neighbouring occupiers at No.105 Waxwell Lane, the proposed development (in regard to the dwellinghouse located on plot 2) in terms of its bulk and overshadowing, would not intercept the 45 degree splay taken from the first floor rear corner of neighbouring dwellinghouse at no.105 Waxwell Lane. In terms of visual amenity, it is acknowledged that the development would add upper level bulk, however in light of the separation maintained between the proposed dwelling house to plot 2 and the site boundary and the distance from this boundary to the facing flank elevation of no.105 Waxwell Lane, it is considered that the proposed development would not have a detrimental impact upon the visual amenities of the neighbouring occupants at no.105 Waxwell Lane. The proposed north flank windows to the development would serve non-habitable rooms and therefore would not give rise to perceived aspect of over looking of the neighbouring amenity. Furthermore, it is considered that any perceived impact upon these neighbouring occupiers would be mitigated by the level of mature screening along the site boundary, which would be retained as part of the development proposal. It is considered that there would not be any detrimental harm upon the facing window to no.105, which is obscure glazed and considered to be unprotected.

Within regards to no.14 The Dell that abuts the rear site boundary, it is considered that any perceived aspect of overlooking would be mitigated by the distance maintained to the rear site boundary (approximately 15m to the boundary and 33m between the buildings) and the dense vegetation along this boundary. Likewise, any impact upon the detached dwelling no.75 would be mitigated by the separation of the highway.

It is acknowledged that the new dwellings would increase residential activity on the site, expressed through comings and goings to the property. However given the ambient noise levels in this established residential location and the level of disturbance associated with one additional dwelling, it is not considered that this proposal would be detrimental to the amenity of neighbouring occupiers or the character of the locality in this case.

4) Traffic and Parking

Policy DM42 of the DMP gives advice that developments should make adequate provision for parking and safe access to and within the site and not lead to any material increase in substandard vehicular access.

The proposed development seeks to provide up to 2 off street parking spaces per dwelling house, of which one would be within the integral garage. There is potential to also accommodate an additional vehicle on each of the forecourts and therefore increasing the

number of spaces to 3. The London Plan Policy 6.13C stipulates that a maximum of 2 spaces should be provided for such a development. However, given the suburban location of this site and that it is set further up Waxwell Lane and away from Pinner District Centre, it is considered that the additional parking space would not have a detrimental impact upon the character of the locality. Furthermore, the additional space would help reduce pressure on the adjoining highway in terms of off-street parking.

No changes are proposed to the existing crossovers and each of the dwellinghouses would utilise one crossover each. Whilst it is noted that the access/ egress from the site would marginally increase, the level associated with such an increase would not be significantly greater than what would be associated with a single family dwelling and as such it is considered that there would not be any impact upon highway safety in this respect. The Council's Highways Authority has raised no objection in this regard.

In conclusion, whilst noting the objections raised by local residents in relation to the impact upon the safety of the highway and parking, the proposal would not give rise to any conflict with the policies above and accordingly the proposal is considered to be acceptable.

5) Impact on Trees

The application site is subject to a TPO no.9 and therefore any loss of trees on this site would be resisted. The proposed development would not involve loss of any trees on this site and the proposed development would not significantly extend beyond the existing footprint of the bungalow. The Council's Tree Officer has raised no objection to the proposed development, for which a condition is imposed to ensure that a tree protection plan be submitted for tree protection and that a pre-commencement meeting with the Planning Arboricultural Officer followed by periodic inspections by a qualified Arboricultural Consultant to check that all tree protection measures are in place. Reports would also be supplied to the Planning Arboricultural Officer.

6) Development and Flood Risk

The applicant site abuts a floodplain, however given that the existing site is already developed, it is not considered that the proposed development would lead to the increase of flooding on site or elsewhere. Notwithstanding this, conditions have been attached to ensure that the development is constructed in way to ensure that any surface water is contained within the site to ensure that the development does not result in flooding elsewhere.

7) Accessibility

Policy DM2 of the DMP and policies 3.5 and 3.8 of The London Plan (2011) seek to ensure that all new housing is built to 'Lifetime Homes' standards. Furthermore, The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion.

Policy CS1.K of the Harrow Core Strategy requires all new dwellings to comply with the requirements of Lifetime Homes. Supplementary Planning Document *Accessible Homes 2010* (SPD) outlines the necessary criteria for a 'Lifetime Home'

The submitted drawings and supporting Design and Access statement shows that the proposed dwellinghouses would meet all relevant Lifetime Homes Standards, which would include level threshold entrance, ground floor W/C which can be converted into a wet room,

a ground floor room which can be converted into a temporary bed space and stairs which can accommodate a stair lift.

In this regard, the proposal is considered to be acceptable and would meet the policies stated above.

8) Sustainability

Policy 5.1 of The London Plan 2011 seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent by 2025. Harrow Council has adopted a Supplementary Planning Document on Sustainable Building Design (adopted May 2009).

For minor development proposals, the development plan at this point does not set out energy and sustainability targets greater than those required by Building Regulations. As these standards will be secured through other legislation, no conditions are required in relation to sustainability measures. Accordingly, no conflict with sustainability policies in the development plan is found.

9) Equalities Impact

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

10) S17 Crime & Disorder Act

Policies 7.3.B and 7.13.B of The London Plan, saved policy D4 of the UDP and emerging policy DM1 of the DM DPD require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal.

The proposed layout of the development would result in natural surveillance of each property from the street scene. In this regards, the proposal is considered not to give rise to any conflict with regards to the above stated policies.

11) Other Matters

It is considered necessary to restrict certain permitted development rights in the interest of the neighbouring residential amenities and the character and appearance of the area. The following Classes of permitted development should be restricted:

Class A

Permitted development which falls under Class A of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, should be restricted. Under Class A, a 4 metre deep extension could be

constructed at the rear which would significantly increase the footprint of the dwellinghouses or Class A would also permit a 3m deep two storey rear extension, which would substantially increase the bulk of the development which would potentially have a harmful impact upon the character and appearance of the locality and the residential amenities of the occupiers of the adjacent neighbouring properties. Class A also permits a single storey extension to be constructed at the side of the dwellinghouses. This would infill the gap between the dwellinghouses and the boundaries, which would also have a harmful impact upon the open and detached character and appearance of the area.

Class B

Permitted development rights under Class B permits the extension and alteration of the roof of a dwellinghouse. This could potentially allow the future occupiers to construct gable ended roof and/ or side and rear dormers. Such development would significantly alter the character and appearance of the approved development and as a consequence would have a significant impact upon the character and appearance of the area, in particular the setting of the Waxwell Close Conservation Area, which is sited directly opposite the site.

Class D

Under this class, the future occupiers would be permitted to construct a porch outside any external door of a dwellinghouse. Whilst the floor area of such a porch is restricted to 3 square metres, it is considered that any addition of a porch entrance could potentially alter the appearance of the approved development and consequently could have an adverse impact upon setting of the character and appearance of the Waxwell Close Conservation Area which is located opposite.

Class E

Under this class, the future occupiers would be permitted to construct an outbuilding in the rear garden which could potentially occupy up to 50 per cent of the total plot area (excluding the ground area of the dwellinghouse itself). Any further encroachment could have an adverse impact upon the available amenity space for the future occupiers of this site and could potentially impact upon the existing trees on this site.

12) Consultation Responses

- Development is on garden land and as garden grabbing. – This has been addressed under section 1 of the above appraisal.
- Overdevelopment of the site. – This has been addressed under sections 1 and 2 above.
- Greatly intrude on privacy. – Impact upon adjoining neighbouring amenity has been addressed under section 3 above.
- Increased height will cut down light. – impact of the height on the character of the area is addressed under section 2 above and impact on residential amenities has been address under section 3 above.
- There is an increase risk to flooding as more of the area will be concreted over, will impact on the water table. – this has been addressed under section 6 above and conditions have been attached to ensure that the development does not result in flooding elsewhere outside the site.
- The rich variety is slowly eroded and Waxwell Lane will resemble other local roads. – This has been addressed under section 2 above.
- It is out of keeping and will alter the feel of Waxwell Lane. – This has been addressed under section 2 above.
- Roof level and basement aspects will appear to be out of character with this area. This has been addressed under section 2 above.

- Advancement in solar technology, eco-friendly technology should be utilised – none of this is mentioned in the application and is a waste of an opportunity to reduce the carbon foot print of the development. – Whilst it is noted that no sustainability information has been provided, given the size of development proposed there is no policy requirement in terms of achieving Code Level 4 for Sustainable Homes in this case as such no condition has been attached, Notwithstanding this, building regulations will still require that homes achieve code for sustainable homes code Level 3.
- Impact on traffic movements – there would be a total of 5 entrance/exits on a short length of high speed single lane distributor road – risk on parking in the area – this has been addressed under section 4 of the above report.
- Will cause overlooking and loss of privacy. – This has been addressed under section 3 above.
- Impact on neighbouring swimming pool - Could potential cause slippage and cracks should the ground be disturbed. – This is outside of the remit of planning control and would be matter that would need to be resolved between the owners. Notwithstanding this, the development is sited in the first half of the plot and would be sited on previously developed land. All foundations and construction work would be regulated by building regulations.
- Area know for its clay/ limestone foundations - would undermine the foundations of many houses. – As mentioned above, this would be controlled under building regulations and would fall outside the remit of planning legislation.
- Risk associated with builders and lorries – give major concern to traffic jams and health and safety issues – nuisance from building works. – Whilst noting that building and associated traffic can cause disturbance and nuisance to local residents, such disturbance is over a limited period and it is not a material planning consideration.
- Losing the natural green feeling - major foundation works could cause potential tree root problems around the proposed site. – this has been address under section 5 above.
- Restrictive covenant in place which states on one detached dwelling should be constructed on these plots. – this is not a material planning consideration. This is a civil matter.

CONCLUSION

The proposed redevelopment of the site to provide two detached dwellinghouses would be in keeping with the varied pattern and character of development along Waxwell Land and it would have no detrimental impact upon the residential amenities of the adjoining properties or on the setting of the adjacent Waxwell Lane Conservation Area. The redevelopment of the site would not constitute development on garden land as the dwellinghouses would be located on an area of land where the existing bungalow is situated on and the footprint of the proposed dwellinghouses would not be significantly greater than that of the existing bungalow. Furthermore, the development would meet the policy aspirations to increase housing supply across the borough. The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy 2012, and the Development Management Policies Local Plan 2013, as well as to all relevant material considerations including any responses to consultation.

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 buildings
b: the boundary treatment
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 and the adjacent Waxwell Close Conservation Area, in accordance with policy 7.4B of The London Plan 2011 and policies DM1 and DM7 of the Harrow Development Management Policies Local Plan 2013.
- 3** 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 which shall include a survey of all existing trees and hedgerows, indicating those to be retained and those to be lost. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities. Hard landscape works shall include full details and specifications of hard surfacing materials.
REASON: To safeguard the appearance of the locality in accordance with policy 7.4B of The London Plan 2011 and policies DM1 and DM23 of the Harrow Development Management Policies Local Plan 2013.
- 4** 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 dwellinghouse, 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 of the locality in accordance with policy 7.4B of The London Plan 2011 and policies DM1 and DM23 of the Harrow Development Management Policies Local Plan 2013.
- 5** The development hereby approved shall not commence until a detailed scheme incorporating measures to protect existing trees (to BS5837) has been submitted to, and approved by the local planning authority. The approved measures shall be implemented prior to any demolition or any other site works and shall be retained during the course of construction, unless otherwise agreed by the local planning authority.
REASON: The existing trees on the site represent an important amenity feature which the local planning authority considers should be protected in accordance with policy DM22 of the Harrow Development Management Policies Local Plan 2013.
- 6** The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water and surface water attenuation and storage works have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the approved details and shall thereafter be retained.
REASON: To ensure that adequate drainage facilities are provided in accordance with the objectives set out under the National Planning Policy Framework 2012 and policy DM10 of the Harrow Development Management Policies Local Plan 2013.

- 7** 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, and E 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 and appearance of the area, and 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.
- 8** The garages shall be used only for the parking of private motor vehicles (and domestic storage if appropriate) 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 policy DM42 of the Harrow Development Management Policies Local Plan 2013.
- 9** 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 policies 3.5, 3.8 and 7.2 of The London Plan 2011, policy CS1.K of the Harrow Core Strategy 2012 and policy DM2 of the Harrow Development Management Policies Local Plan 2013.
- 10** The development hereby approved shall not be occupied until a suitable boundary treatment such as a fence or wall of a maximum height of 2000mm has been provided along the line of the proposed sub-division of the plot. Such a fence or wall shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
REASON: To safeguard the privacy and amenity of future occupiers and neighbouring residents in accordance policy DM1 of the Harrow Development Management Policies Local Plan 2013.
- 11** The proposed first floor windows in the flank walls of the dwellinghouses shall be of purpose-made obscure glass, and be permanently fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.
REASON: To safeguard the amenity of neighbouring residents and that of the future occupiers of the site, in accordance policy DM1 of the Harrow Development Management Policies Local Plan 2013.
- 12** No demolition or site works in connection with the development hereby permitted shall commence before the frontage of the site is enclosed by a close boarded fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.
REASON: In the interests of amenity and highway safety and in accordance with policy DM1 of the Harrow Development Management Policies Local Plan 2013.
- 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 in accordance with policy DM10 of the Harrow Development Management Policies Local Plan 2013.

- 14** The development hereby permitted shall be carried out and completed in accordance with the following approved plans:
Design and Access Statement; CWL-355-001; 07/3107/2; 6016/001; 07/3107/1; 07/3107/4; 07/3107/3

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

- 1** The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011)

Policies 3.1, 3.5, 3.8, 5.2, 5.3, 5.12, 5.13, 6.9, 7.1, 7.2, 7.3, 7.4, 7.6, 7.8

The Harrow Core Strategy (2012)

Core Policies CS1.B, K, X, U

Development Management Policies Local Plan (2013)

Policies DM1, DM2, DM7, DM10, DM22, DM23 and DM42.

Supplementary Planning Document – Residential Design Guide (2010)

Supplementary Planning Document – Accessible Homes (2010)

Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008).

Supplementary Planning Document – Garden Land Development (2013)

- 2** INFORM_PF2

Grant without pre-application advice

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

- 3** 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.

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:

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.

- 6** The applicant is advised that it would be appropriate to liaise with the Planning Arboricultural Officer before the submission of the tree protection plan in relation to condition 5 and during the construction of the development for further advice. Please e-mail Rebecca Farrar at Rebecca.Farrar@harrow.gov.uk

7 INFORMATIVE:

Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment ofof Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

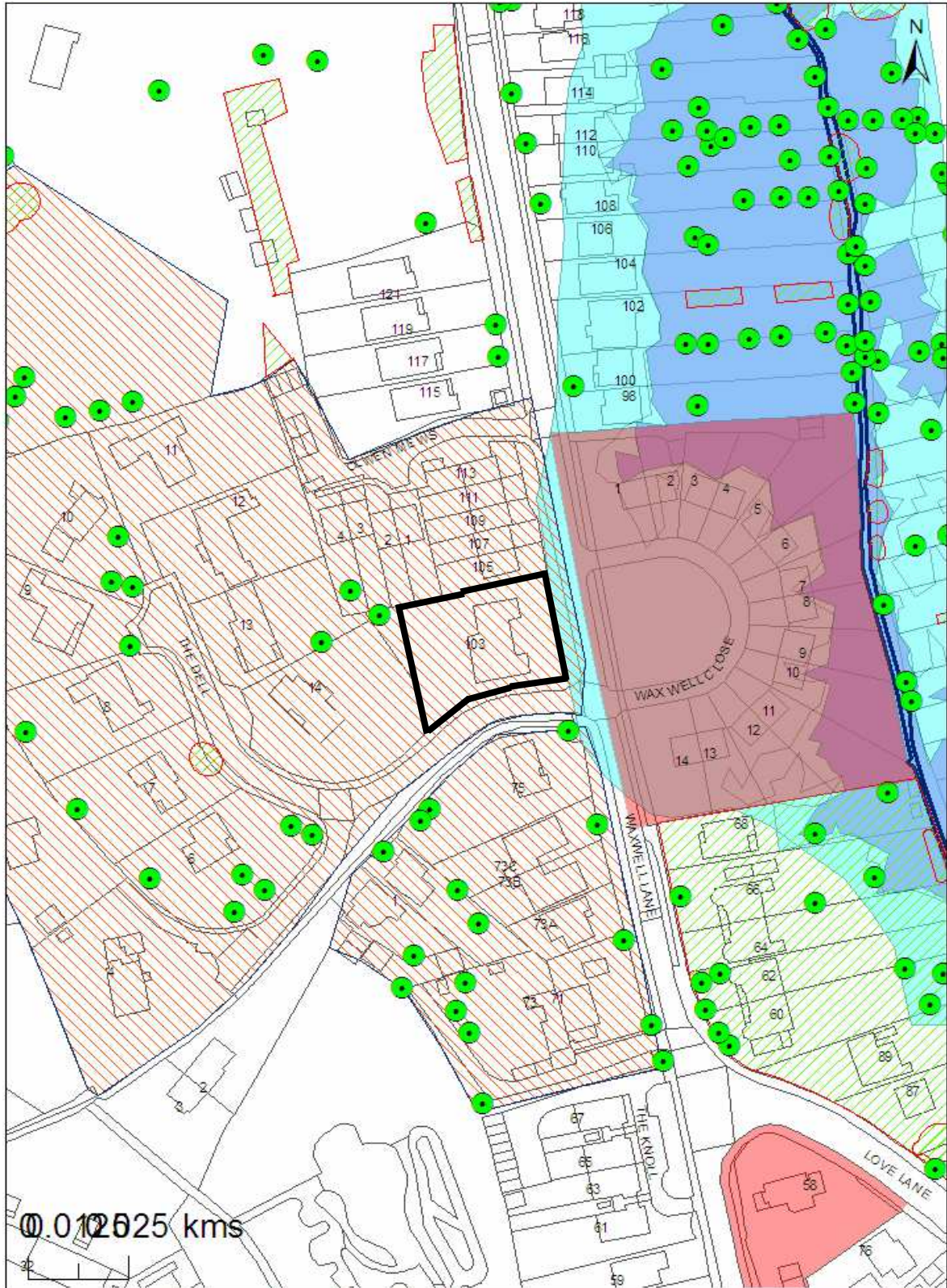
Your proposal is subject to a CIL Liability Notice indicating a levy offor the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 439.77 sqm

You are advised to visit the planningportal website where you can download the appropriate document templates.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/ci>

Plan Nos: Design and Access Statement; CWL-355-001; 07/3107/2; 6016/001; 07/3107/1; 07/3107/4; 07/3107/3;

103 WAXWELL LANE, PINNER



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Item No. **2/05**

Address: WESTGATE CHAMBERS, 8A ELM PARK ROAD, PINNER

Reference: P/0574/13

Description: SINGLE STOREY FRONT EXTENSION; FIRST FLOOR ROOF EXTENSION INCORPORATING FRONT GABLE FEATURE, TWO FRONT DORMERS AND TWO REAR DORMERS TO FORM TWO ADDITIONAL USE CLASS B1 OFFICES AND ONE SELF CONTAINED FLAT; EXTERNAL ALTERATIONS

Ward: PINNER

Applicant: MR P LEONG

Agent: PRESTIGE PROJECTS MANAGEMENT LTD

Case Officer: VICTOR UNUIGBE

Expiry Date: 31/05/2013

RECOMMENDATION

GRANT planning permission subject to conditions.

REASON

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework 2012, the relevant policies of The London Plan 2011, the Harrow Core Strategy 2012 and the Harrow Development Management Policies Local Plan 2013, as well as to all relevant material considerations including comments received in response to publicity and consultation.

The proposed development would preserve the character and appearance of the Waxwell Lane Conservation Area. The development would not have any unreasonable impact on the amenities of neighbouring residential occupiers or on highway safety and convenience. The development would also not result in the over-intensification of a Use Class B1 use in a primarily residential area, and it would provide high quality, accessible and sustainable living standards for the future occupiers of an ancillary residential unit.

INFORMATION

This application is reported to the Planning Committee because of the receipt of significant public interest.

Statutory Return Type: E(13) Minor Dwellings

Council Interest: None

New Floorspace (First Floor): 147.69sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £5,169.15
(based on new additional floor area of 147.69sqm x £35.00)

Harrow Community Infrastructure Levy (CIL) Contribution (provisional): £16,245.90
(based on new additional floor area of 147.69sqm x £110.00)

Site Description

- The application site is irregular shaped, and comprises a single storey detached building with hipped roof in a 'backland' position.
- The site adjoins the setting of the Waxwell Lane Conservation Area, and is within the setting of the locally listed dwellinghouse at 10 Elm Park Road to the west and listed building at 23 Waxwell Lane to the northeast. The site lies outside the setting of the locally listed First Church of Christian Science to the east.
- The site borders Little Common, a designated open space and parkland to the west and north-west, and residential gardens at Waxwell Lane to the north-east. It borders a site of lock-up garages and 8 Elm Park Road to the east.
- The site building is in present permitted use as Use Class B1 Offices (it was previously in long term occupation by a Water Authority Board), and it is set back from Elm Park Road by approximately 50 metres.
- There is a hardsurfaced area with 8 car parking spaces in front of the building, which is served by a gated vehicle access off Elm Park Road.
- A group of tall trees are sited on the western boundary of the site with the Little Common parkland. In addition to the trees, there is a mix of shrubbery, hedges and close-boarded fencing on all boundaries of the site.
- The ground level falls in a westerly to easterly (rear to front) towards the Elm Park Road highway.
- The immediate locality is primarily residential in character, and the pattern of development is characterised by a mix of terraced, semi-detached and detached residential properties with varying storey heights, architectural styles and garden plot sizes.

Proposal Details

- This application proposes a single storey front extension and a roof extension to form an additional first floor over the building, which would comprise two new office rooms and a self-contained residential flat (one bedroom) for a member of staff.
- The roof extension would be semi-hipped at both ends and increase the height of the existing roof ridge from 4.9 metres to 6.3 metres. The extension would incorporate a central front gable feature, two rooflights and two flat-roofed dormers each to the front and rear elevations.
- The front gable feature would be 2.59 metres high and 3.61 metres at the widest point. It would be set down and set up from the extended roof ridge and eaves by 0.3 metres and 1.5 metres respectively.
- The front and rear dormers would each be 2.79 metres at the widest point and have a height of 1.35 metres. The dormers would have a gap of 4.17 metres between them, and they would be set down and set up from the roof ridge and eaves by 1.3 metres and 1.93 metres respectively.
- Two first floor windows would be in the western flank (looking out to Little Common) and one first floor window would be in the eastern flank (looking out to the garages).
- The proposed single storey front extension would form a new reception area and

comprise an internal staircase for access to the first floor offices and flat.

- The front extension would be full width (10.87 metres) and have a depth of 3 metres. The hipped roof extension would slope over the front extension from a height of 2.57 metres.
- The proposed self-contained flat would have a Gross Internal Area (GIA) of 70.83 square metres.
- A refuse/recycling storage area is proposed adjacent to the eastern boundary.
- The applicant proposes traditional materials, which would include reconstituted slate roof tiles, western red cedar and wavern edged timber cladding, painted render external walls, tumbled stonework and mahogany hardwood (front extension) and new upvc windows in brown aluminium finish.
- Additional soft landscaping is proposed in the rear part of the site adjacent the extended building.
- External alterations are proposed to incorporate new repositioned ground floor windows in the western and eastern flanks of the building.

Revisions to Previous Application

- N/A

Relevant History

LBH/22467 – Single storey depot building

Granted – 13/01/1983.

WEST/14/96/FUL – Change of use: depot to offices (Sui Generis to Class B1) and single storey front and side extension and revised parking

Refused – 12/03/1996.

WEST/164/96/CON – Continued use of former water authority depot (sui generis) as Barristers Chambers (Class B1)

Granted – 23/05/1996.

WEST/755/96/CON – Continued use of premises for B1(a) purposes without compliance with condition 5 of planning permission WEST/164/96/CON

Granted – 10/04/1997.

WEST/257/97/CON – Continued use for Class B1(a) purposes without compliance with condition 9 of planning permission WEST/164/96/CON dated 23 May 1996

Granted – 08/07/1997.

WEST/615/98/FUL – Single storey side extension and retention of door in rear elevation

Allowed on appeal – 14/07/1999.

WEST/162/00/VAR – Variation of condition 7 of planning permission WEST/164/96/CON dated 23 May 96, to permit use of premises from 07.00 - 21.00hrs Mon-Sat inclusive , and 09.00 - 1900hrs on Sundays

Allowed on appeal – 29/03/2001.

P/2317/10 – Continued use of ground floor as office (Use Class B1); proposed two storey front extension; construction of additional floor at first floor and second floor levels to form four flats

Withdrawn – 11/11/2010.

Pre-Application Discussion (Ref. HA\2011\ENQ\00005)

The preapplication enquiry proposed the retention of offices at ground floor plus extensions to front and roof to form one residential unit at first floor level.

The applicant was advised by letter response of 14/12/2012 that the proposed height increase of the roof building would still ensure that the building is reasonably well concealed, and so would be likely to preserve the setting of the heritage assets affected. The applicant was however advised that at the application stage, the proposed front first floor feature gable should be reduced in scale or omitted to limit the bulk of the extensions. Materials and details would also need to be traditional and conditioned to ensure samples were provided to ensure that the building blended in as far as possible. On this basis, subject to the suggested amendments, the applicant was advised that the scheme may be considered acceptable in terms of its wider impacts.

The applicant was further advised that such a proposal would require a robust supporting Design and Access and Heritage Statement. This would need to outline the significance of the heritage assets and demonstrate the impact of the proposal on the setting of the heritage assets fully to justify why the proposal is considered to preserve the setting of the heritage assets. It is recommended that the statement should include photo montage showing the visible impact of the proposed extensions in views from the heritage assets. Details of materials and finishes would also be required and the proposal would need to comply with Lifetime Homes Standards in respect of the residential unit.

Applicants Submission Documents

Arboricultural Impact Assessment Report and Design and Access and Heritage Statement

Arboricultural Impact Report

- The proposal takes into account the constraints of the trees that are located within close proximity (along the Little Common boundary) to the proposal.
- It is regarded that adequate space has been allowed with regard to the development for the trees long-term physical retention and future maintenance requirements. As such, it is concluded that there will not be undue pressure to fell or severely prune these trees.
- Tree survey data included, which provides a schedule of identified and retained individual trees along the Little Common boundary.

Design and Access and Heritage Statement

- Extended roof will be slightly more conspicuous, but it would be reasonably well concealed, thus preserving the setting of nearby heritage sites and listed buildings at 23 Waxwell Lane and 10 Elm Park Road.
- The extended property echoes the individuality and informality of others in Elm Park Road and it has been designed so as not to be either significantly taller or more dominant than nearby properties. Development has been designed using traditional high quality materials.
- Attached photo montage and three-dimensional colour perspective plans showing the visible impact of the proposed extensions in views from the heritage assets.
- Space for the storage of recycling bins will be provided and the ground floor will have disabled access.

Consultations

Conservation Areas Advisory Committee (CAAC): It would be visible from the highway. No impact on the conservation area. The trees in the park need to remain. The tree officer needs to be consulted.

Conservation Officer: The proposal would be relatively well concealed and screened from the Waxwell Lane conservation area. As per the pre-application comments therefore this would preserve the setting of the conservation area. It would not affect the setting of the nearby locally listed 10 Elm Park Road. Materials and details would need to be traditional and conditioned to ensure samples were provided to ensure the building blended in as far as possible.

Highways Authority: There is no objection to the proposal, owing to the small scale of the proposed additional office space and 1 bedroom flat.

Tree Officer: There is no objection, as the arboricultural impact report has demonstrated the removal of all possible tree constraints (adjacent the Little Common boundary) on post-development.

The Pinner Association: Objects to the proposal. An office building in this location is an anomaly, which should not be allowed to become larger. Upper floor development in this location would have a harmful effect on the surroundings. The development would be an urban intrusion, which would adversely affect the Little Common park. It would also be detrimental to the adjacent properties and the nearby conservation area. The extra floor proposed would be unduly dominant when viewed from nearby properties and adversely affect neighbouring privacy. The principle of residential development should not be allowed. If the Council is minded to consent this application, a condition should be included that the flat may only be occupied by a person employed full time in the remainder of the building and his / her spouse / partners.

Advertisement

Character of a Conservation Area: Expiry: 23/05/2013

Site Notice Expiry: 22/05/2013.

Notifications

Sent: 16

Replies: 7, 1 of which expressed no objection to the proposal.

Expiry: 20/05/2013.

Addresses Consulted

Elm Park Road: 1, 2, 3, 4, 5, 6 North End Lodge, 6, 6 (Flat), 8, 10 (North End Cottage), 10A, Garages rear of North End Lodge

Waxwell Lane: 21, 23.

Summary of Responses (Objections)

- The proposed development would be clearly visible from neighbouring properties, particularly those on Waxwell Lane, and would significantly overlook those properties.
- The proposal would result in loss of privacy and light amenity at neighbouring properties, given close proximity of extended building to site boundaries.
- There is no need for the business to require residential accommodation for security purposes, when an alarm system would be adequate.
- What guarantees are there in place that the residential accommodation will only be used by a member of staff or partner employed by the business?
- What assurances can be given to local residents that change of use from business

to part residential will not be followed by further conversion of the premises to residential?

- No provisions appear to have been made in respect of sustainable measures and disabled access.
- The proposal would possibly mean the removal of large trees adjacent the Little Common Park.
- The proposal would result in overdevelopment and increase in traffic obstruction to free flow movement along Elm Park Road.
- The restrictions on opening hours for the office business will be difficult to enforce in a mixed development comprising residential use.
- The adjacent trees are deciduous and would not screen the building in winter.
- A narrow entrance into the site will not allow access for building, due to vehicles that have already blocked the parking area and driveway.

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework (NPPF), which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Harrow Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

MAIN CONSIDERATIONS

- 39) Principle of the Development
- 40) Impact on Character and Appearance of the Conservation Area
- 41) Residential Amenity
- 42) Traffic and Parking
- 43) Accessibility
- 44) Impact of Trees on Development
- 45) Equalities Implications
- 46) S17 Crime & Disorder Act
- 47) Consultation Responses

1) Principle of the Development

The NPPF has a presumption in favour of sustainable development and for applications to be determined in accordance with the development plan, unless the development plan is silent, absent or the relevant policies are out-of-date.

Policy CS1.A of the Core Strategy undertakes to manage growth in accordance with the spatial strategy. The spatial strategy directs residential and other development to the

Harrow & Wealdstone Intensification Area, town centres and, in suburban areas, to strategic previously developed sites. In this way, the growth of the borough would develop in a coherent, efficient and effective manner, ensuring that pooled resources secured through planning gain on development sites contributed more efficiently to infrastructural and economic growth, and that the impact on the environment arising from development is minimised.

Policy CS1.B of the Core Strategy resists development on garden sites, recognising the propensity for such proposals to lead to unmanaged, incremental growth that undermines the spatial strategy. It also resists proposals that would harm the character of suburban areas, and advises that proposals for piecemeal, backland developments are generally submitted in an ad-hoc way, without regard to the spatial strategy for the development of an area.

The application site does not constitute 'garden land' as defined by the Council's Supplementary Planning Document: 'Garden Land Development', which was subject to public consultation and adopted on 11 April 2013. The existing building on the site occupies a 'backland position' on the site, and the Use Class B1 office use presently been undertaken in the building benefits from planning permission. The principle of development for Use Class B1 offices on the site in what is primarily a residential area has therefore already been established.

This application proposes associated additional office space within a first floor roof extension. In terms of the acceptability of the principle of development for this proposal, consideration is given to whether the proposal would constitute an over-intensification of the existing Use Class B1 office use. The combined internal floor area of the new two office units on the first floor is 27.74 square metres, while the internal floor area of the office use in the existing building is 119.34 square metres. The floor area of the proposed first floor offices would represent an approximate increase of 23 percent of the existing floor area. The increase of 23 percent is not considered to be a significant uplift of the floor area of the existing office floor area, and as such, it is considered that the new office space would not constitute an over-intensification of the existing office use. It is considered that the scale of the new office space is such that it would not generate levels of activity into the site that could have adverse implications for the residential character of the surrounding area.

Furthermore, and as will be discussed in greater detail in the succeeding section, the scale and proportion of the extended building would still lend it to been a medium density development, in keeping with the prevailing and established context of development in the surrounding area.

It is noted that objections have been received regarding the mix of residential and commercial uses within the same building. With regards to the proposed first floor self-contained flat, policy 3.8 of The London Plan 2011 encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. This policy requires consideration to be given to the accessibility of the site to services and amenities. However, it is instructive that the applicant has not proposed the flat as a permanent residential unit for separate independent occupation. Rather, the flat is proposed as an ancillary residential unit to be occupied by a member or members of staff primarily for security reasons. The flat would lend itself to a maximum 'two-person' occupancy, and whilst the occupation of the flat as a security measure is not a material planning consideration, it is considered that its

restricted occupation as an ancillary element of the main lawful use on the site is acceptable in principle. This consideration is supported by the related objectives of policy DM33 of the DMP Local Plan, which permits home working and ancillary economic activity at home by occupiers of residential properties. Amongst a number of criteria, policy DM33 gives advice that proposals for live/work units will be supported where these do not compromise other policy objectives, including those for the management of industrial and business use land supply. Whilst this proposal does not constitute a development for live/work units, it is considered that the mix of an office business use with ancillary residential unit is in line with the aspirations of policy DM33 of the DMP Local Plan.

The restricted occupation (by way of condition) of the flat as an upper floor unit in a backland position would not lend it to being utilised as an independent permanent unit in close proximity to neighbouring residential properties.

It is therefore considered that the proposal would not constitute development that goes against the urban grain in terms of the context and established pattern of development within the locality. The proposal would not be a piecemeal form of backland development at odds with the prevailing pattern of development within the area, and for the above reasons, the principle of the proposed development is acceptable. The proposal would not undermine the spatial development strategy for the borough set out in the Core Strategy and would accord with the National Planning Policy Framework 2012 and policies CS1.A and CS1.B of the Harrow Core Strategy 2012

2) Impact on Character and Appearance of the Conservation Area

Policy 7.4 B of the London Plan requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.

Policy CS1.B of the Core Strategy states that ‘All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.’

Policy DM1 of the DMP Local Plan gives advice that “all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted.”

Policy DM7 is also relevant given the location of the application site within the Waxwell Lane Conservation Area. This policy seeks to ensure that the historic environment and heritage assets would not be compromised by development.

The NPPF, policy 7.8.C/D/E of The London Plan and policy CS1.D of the Core Strategy set out similar aims. The policies give advice that proposals should take into account the nature of significance of the heritage asset and use this understanding to avoid or minimise conflict between the conservation of the asset and other aspects of the proposals. So, proposals that result in the minimum alteration to the setting of the positive aspects of the setting of the heritage asset whilst enabling some extension works should be pursued.

The Council has adopted a Supplementary Planning Document (SPD) on Residential Design (2010), which gives design guidance and requires extensions to harmonise with the scale and architectural style of original dwellinghouses. The SPD is accorded relevance to the consideration of this proposal, as it offers guidance in respect of the roof extensions.

According to the Pinner Conservation Areas SPD (appendix 1, the Waxwell Lane Conservation Area Appraisal and Management Strategy - CAAMS) adopted December 2009, the character and special interest of Waxwell Lane Conservation Area "is derived mainly from the quality and mix of historic architecture, the medium densities of development and the good planting and tree cover that softens the streetscene and forms a discreet oasis of public open space to the rear of Elm Park Road". It states 'development is relatively light and spacious along Elm Park Road'.

Whilst the application site is set outside of this Conservation Area, it is immediately adjacent to it and clearly visible from it. The very small scale of the existing building, its plain design and low intensity Class B1 use though means the building remains largely or wholly unseen and unnoticed, and thus unobtrusive from, views into and out of the Conservation Area; that is, from Elm Park Road itself, the rear of Waxwell Lane and the open space parkland (Little Common). The application site and building are within the setting of the nearby Listed Building (23 Waxwell Lane) and the locally listed 10 Elm Park Road, and they preserve the setting of these heritage assets, by not obviously detracting from their high architectural quality and preserving the medium densities of development.

The proposed central front gable feature, front and rear dormers are considered acceptable in terms of their sizes, bulk and separation distances from the extended roof ridge and eaves. The dormers and front gable feature would be significantly set down and set up from the ridge and eaves of the extended roof, and they would also be significantly set in from the roof edges, whilst maintaining adequate gaps between them. As such, it is considered that the dormer and gable features would achieve the retention of sufficient visible sections around their sides in the front and rear roofslopes. It is also considered that the gable and dormer features would not constitute disproportionate or discordant features in the extended roof, and they would achieve visual containment within the roofslopes. The features would help to break up the massing and visual prominence of the roof extension, and would therefore comply with the guidance contained in paragraph 6.66 of the Residential Design Guide SPD. It is also considered that the scale, proportion and design of the proposed single storey front extension are acceptable, relative to that of the overall bulk and design of the extended building.

The proposed roof extension would result in an increase of the existing roof ridge by 1.4 metres. Advice had been given at preapplication stage that an increase of 1 metre would be considered acceptable. The increase in ridge height by 1.4 metres to accommodate the additional floor would make the site and building slightly more conspicuous. However, the Council's Conservation Officer has considered that the extended building would still be relatively well concealed and screened from the Waxwell Lane Conservation Area, and that the proposal would preserve the setting of the conservation area. The extended building would be set away from the rear of the nearby locally listed 10 Elm Park Road by an approximate distance of 36 metres. Notwithstanding the closer proximity of the application site to properties on Waxwell Lane than those on Elm Park Road, the extended building would also be set away from the rear of the listed building at 23 Waxwell Lane by an approximate distance of 36 metres. It is therefore considered that the proposed development would preserve the setting of the heritage assets at both sites.

This view is supported by both the Council's Conservation Officer and the CAAC.

The trees that are sited adjacent the Little Common boundary vary in height between 6 to 15 metres, and they project further deeper than the length of the extended building. The comment made in respect of the trees been deciduous and losing cover in winter is noted. However, the trees form a continuous spread on that boundary, and it is considered that they would provide screening cover for the building from public views in the park. As stated above, the applicant has submitted three dimensional perspective plans and a photo montage that satisfactorily demonstrates that the extended building would not be any higher or appear unduly dominating from neighbouring views on Elm Park Road, Waxwell Lane and Little Common.

The extent of the proposed additional soft landscaping to the rear of the building would be nominal. Nevertheless, it is considered that the soft landscaping would complement the hard and soft landscaping to the front, and help ensure the preservation of the appearance of the locality. The retention of a 2.5 metre high hedge on the rear boundary and the close-boarded fencing along all the site boundaries is also considered acceptable.

The scale, proportion and design of the new repositioned / new windows on the ground and first floors, as well as the new rooflights are also considered acceptable.

Notwithstanding the submitted details of the materials proposed for the construction of the development, a condition is included to this decision that samples of the materials should be provided to the Council for approval before the commencement of any works on site.

Given the above considerations, the proposed development, by reason of its satisfactory design, massing, bulk and storey height, would not constitute a visually obtrusive, unduly dominating and incongruous feature. The development would not be at odds with the established form and pattern of development in the locality, and it would preserve the character and appearance of the Waxwell Lane Conservation Area, as well as the setting of nearby locally listed and listed properties at 10 Elm Park Road and 23 Waxwell Lane. It would therefore accord with policies 7.4.B, 7.6.B and 7.8C/D of The London Plan 2011, policy CS1.B/D of The Harrow Core Strategy 2012, policies DM1 and DM7 of the Harrow Development Management Policies Local Plan 2013, the guidance contained in the adopted Supplementary Planning Document 'Residential Design Guide' 2010 and the Pinner Conservation Areas SPD (appendix 1, the Waxwell Lane Conservation Area Appraisal and Management Strategy) 2009.

3) Residential Amenity

Policies DM1 and DM26 of the DMP Local Plan both seek to "ensure that the amenity and privacy of occupiers of existing and proposed dwellings are safeguarded.

The proposed single storey front extension is relatively minor in scale and would have no significant impact on the amenities of neighbouring occupiers. The extension would also not displace any of the existing spaces in the parking area.

The extended building would have a ridge height of 6.3 metres, and as discussed above, it would not be any higher relative to the neighbouring properties on Waxwell Lane to the northeast and east. Notwithstanding the close proximity of the building to the site's rear boundary, the distance between the building and the first floor rear elevation of the

nearest neighbouring property (17 Waxwell Lane) would be approximately 26 metres. This distance and orientation of the application site relative to those on Waxwell Lane is such that the extended building would not have any significant adverse effect on the entry of light to and outlook from neighbouring upper floor windows.

Furthermore, two rear windows in the roof extension, which would serve a kitchen and bedroom for the flat, would offer oblique views towards neighbouring rear gardens. However it is considered that given the storey height of the extended building, the views would not be significantly worse than those offered from existing first floor rear window on Waxwell Lane. The first floor window proposed in the eastern flank would directly overlook the lock-up garages, while the two windows in the western flank would look out to the Little Common parkland. A benefit of these windows is that they would act as natural surveillance for the parkland.

As stated above, the proposed self-contained flat lends itself to be occupied by a maximum of two persons. The proposed flat, in association with the additional first floor office space could result in a marginal increase in the use profile of the property. However, it is considered that the use of the flat would be minor in scale, and that it would not detract from the main use of the property as a Use Class B1 office. The comments about receiving guarantees that the flat would only be occupied by persons associated with the employment of the Class B1 use are noted. It is noted that the use of the flat as an independent unit separate from the main use of the property could result in short term transient occupation by private persons. The applicant has submitted that the flat would only be used by persons associated with the office use in the property, and as detailed on the plans, there would be a common shared access for the flat and the upper floor offices. Notwithstanding the relative minor scale of the proposed flat, a condition is attached to restrict the occupation of the flat only by persons in the employment of the main Class B1 office use in the application building. It is considered that this would help address the concerns expressed about incremental independent residential occupation of the flat, and also help safeguard the protection of neighbouring residential amenities.

As detailed on the submitted plans, the GIA of the proposed flat is 70.83sqm, which exceeds the minimum GIA of 61.0sqm for a '2-person, 1 bedroom flat', as required by policy 3.5 of The London Plan, the Mayor of London's Housing Supplementary Planning Guidance (SPG) (November 2012), policy DM26 of the DMP Local Plan and Appendix 1 of the Residential Design Guide SPD. The floor areas of the double bedroom and combined lounge/kitchen are 20.53sqm and 38.21sqm respectively. These floor areas also exceed the minimum floor areas of 12.0sqm and 23.0sqm for the respective units as required by the above mentioned policies. It is therefore considered that the flat would provide a satisfactory living environment for any future occupiers.

The proposed location of the refuse/recycling storage is considered to be appropriate, as it would be secure and not readily visible from the Elm Park Road streetscene. The applicant has also proposed that the existing collection regime for bins would still remain the same. To ensure that the development would not result in a proliferation of bins to the front of the property, a condition is attached to ensure bins are stored in the designated storage area, other than on collection days.

It is also considered that the area adjacent to the rear of the extended building of the rear is such that it can provide adequate private external amenity space for occupiers of the flat.

Given the above, it is considered that the proposal would have no significant adverse implications for host and neighbouring residential amenities, and would accord with policies 7.4B and 7.6B of The London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012, policy DM1 of the Harrow Development Management Policies Local Plan 2013 and the Council's adopted Supplementary Planning Document 'Residential Design Guide' 2010 in that respect.

4) Traffic and Parking

Policies DM1 and DM42 of the DMP Local Plan give advice that developments should make adequate provision for parking and safe access to and within the site and not lead to any material increase in substandard vehicular access.

The proposal would be minor in overall scale, and it is considered that there is still adequate scope within the parking area for the provision of additional spaces should the need arise.

The neighbouring comments received in respect of traffic obstruction to free flow movement along Elm Park Road, and the existence of a narrow entrance into the site with a blocked parking area / driveway are noted. The access gates leading into the site are electronically operated, and the length of driveway where vehicles wait before entering and the site can adequately accommodate a vehicle safely at right angle off the highway. It was observed during visits to the site that the parking area is expansive, and that the parking spaces and driveway were not obstructed or blocked by any vehicles.

Given the above considerations, the development would not result in any significant increase in traffic movements from the site or unreasonable impacts on highway safety and convenience, and would therefore accord with policies DM1 and DM42 of the Harrow Development Management Policies Local Plan 2013.

5) Accessibility

Policy DM2 of the DMP Local Plan and policies 3.5 and 3.8 of The London Plan seek to ensure that all new housing is built to 'Lifetime Homes' standards. Furthermore, The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion.

Policy CS1.K of the Harrow Core Strategy requires all new dwellings to comply with the requirements of Lifetime Homes. Supplementary Planning Document *Accessible Homes* 2010 (SPD) outlines the necessary criteria for a 'Lifetime Home'.

The applicant has set out in the accompanying Design and Access Statement and plans how the development in respect of the proposed self-contained flat would seek to achieve where possible, the compliance with Lifetime Homes Standards, in accordance with the Council's Supplementary Planning Document "Accessible Homes" (2010).

It is considered from a review of the plans that the flat would achieve Lifetime Homes standards, particularly in respect of opening door widths and corridor widths. Notwithstanding a stepped front entrance shown on the elevation plans, the Design and Access Statement makes reference to the fact that level access would be provided to that entrance for easy wheelchair manoeuvring. A condition is therefore included with this decision that this element of Lifetime Homes standards is implemented for the development.

6) Impact of Trees on Development

The group of trees adjacent to the boundary with the Little Common park are protected by reason of being sited within a conservation area. The trees also have significant amenity value, and the applicant has not proposed the removal of any of the trees.

The Council's Tree Officer has advised that the applicant has satisfactorily demonstrated in the arboricultural impact report that by lopping back any tree branches, which extend towards the roof extension, all possible tree constraints on the development would be removed.

Given the above considerations, the proposal would ensure the continued retention and protection of the trees adjacent the boundary with Little common, and it would therefore accord with policy DM22 of the Harrow Development Management Policies Local Plan 2013.

7) Equalities Implications

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

8) S17 Crime & Disorder Act

Policy 7.3 of The London Plan seeks to ensure that developments should address security issues and provide safe and secure environments, and that crime prevention should be integral to the initial design process of any scheme.

The existing gated and vehicular access into the site from Elm Park Road would be maintained, and the installation of front facing windows would act as surveillance of the long driveway leading into the site.

It is therefore considered that the proposed development would not result in any adverse crime or safety concerns.

9) Consultation Responses

The comments received in respect of neighbour consultation have been addressed in the main body of the report above.

With regards to the comments expressed about the possible conversion of the proposed first floor to fully residential, it is instructive to note that should the applicant have any intention to convert the first floor to full residential use, a separate application will be required and assessed on its own merits.

CONCLUSION

The proposed development would preserve the character and appearance of the Waxwell Lane Conservation Area. The development would not have any unreasonable impact on the amenities of neighbouring residential occupiers or on highway safety and convenience. The development would also not result in the over-intensification of a Use Class B1 use in a primarily residential area, and it would provide high quality, accessible and sustainable living standards for the future occupiers of an ancillary residential unit.

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**.

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. Notwithstanding the details on the approved plans, the development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces 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 and character of the Waxwell Lane Conservation Area, and to enhance the appearance of the development in accordance with policies 7.4 and 7.8 of The London Plan 2011 and policies DM1 and DM7 of the Harrow Development Management Policies Local Plan 2013.

3. 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 policy DM2 of the Harrow Development Management Policies Local Plan 2013.

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 plans.

REASON: To safeguard the appearance and character of the Waxwell Lane Conservation Area, and to enhance the appearance of the development in accordance with policies 7.4 and 7.8 of The London Plan 2011 and policies DM1 and DM7 of the Harrow Development Management Policies Local Plan 2013.

5. The ancillary residential accommodation in the first floor roof extension hereby approved shall only be occupied by persons in the direct employment of the Use Class B1 Office use in the application building and site.

REASON: To safeguard the amenities of neighbouring residential occupiers in accordance with policy DM1 of the Harrow Development Management Policies Local Plan 2013.

6. The development hereby permitted shall be carried out in accordance with the following approved plans:

PL/001 Rev A; PL/002; PL/003; PL/004; PL/005; PL/006; PL/007; PL/008; Design and Access and Heritage Statement; Arboricultural Impact Report

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011):

- 3.5 – Quality and Design of Housing Developments
- 3.8 – Housing Choice
- 7.2C – An Inclusive Environment
- 7.3B – Designing Out Crime
- 7.4B – Local Character
- 7.5B – Public Realm
- 7.6B – Architecture
- 7.8C/D – Heritage Assets and Archaeology

Harrow Core Strategy (2012):

Core Policy CS1 (A, B, D, K)

Harrow Development Management Policies Local Plan (2013):

- DM1 – Achieving a High Standard of Development
- DM2 – Achieving Lifetime Neighbourhoods
- DM7 – Heritage Assets
- DM22 – Trees and landscaping
- DM33 – Working at Home
- DM42 – Parking standards

Pinner Conservation Areas Supplementary Planning Document: Appendix 1 - the Waxwell Lane Conservation Area Appraisal and Management Strategy (2009).

Supplementary Planning Document: Access for All (2006)

Supplementary Planning Document: Residential Design Guide (2010)

CONSIDERATE CONTRACTOR CODE OF PRACTICE:

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.

PARTY WALL ACT:

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

4. Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)"

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

5. Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of £5,169.15 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008. Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL). Your proposal is subject to a CIL Liability Notice indicating a levy of £5,169.15 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 147.69 sqm. You are advised to visit the [planningportal](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) website where you can download the appropriate document templates.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

6. Harrow has proposed a CIL which will apply Borough wide for certain uses of over 100sqm gross internal floor space. The CIL has been examined by the Planning Inspectorate and found to be legally compliant. It is anticipated (subject to Council adoption) that it will be charged from the 1st October 2013.

Harrow's Charges are:

Residential (Use Class C3) - £110 per sqm;

Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui generis)- £55 per sqm;

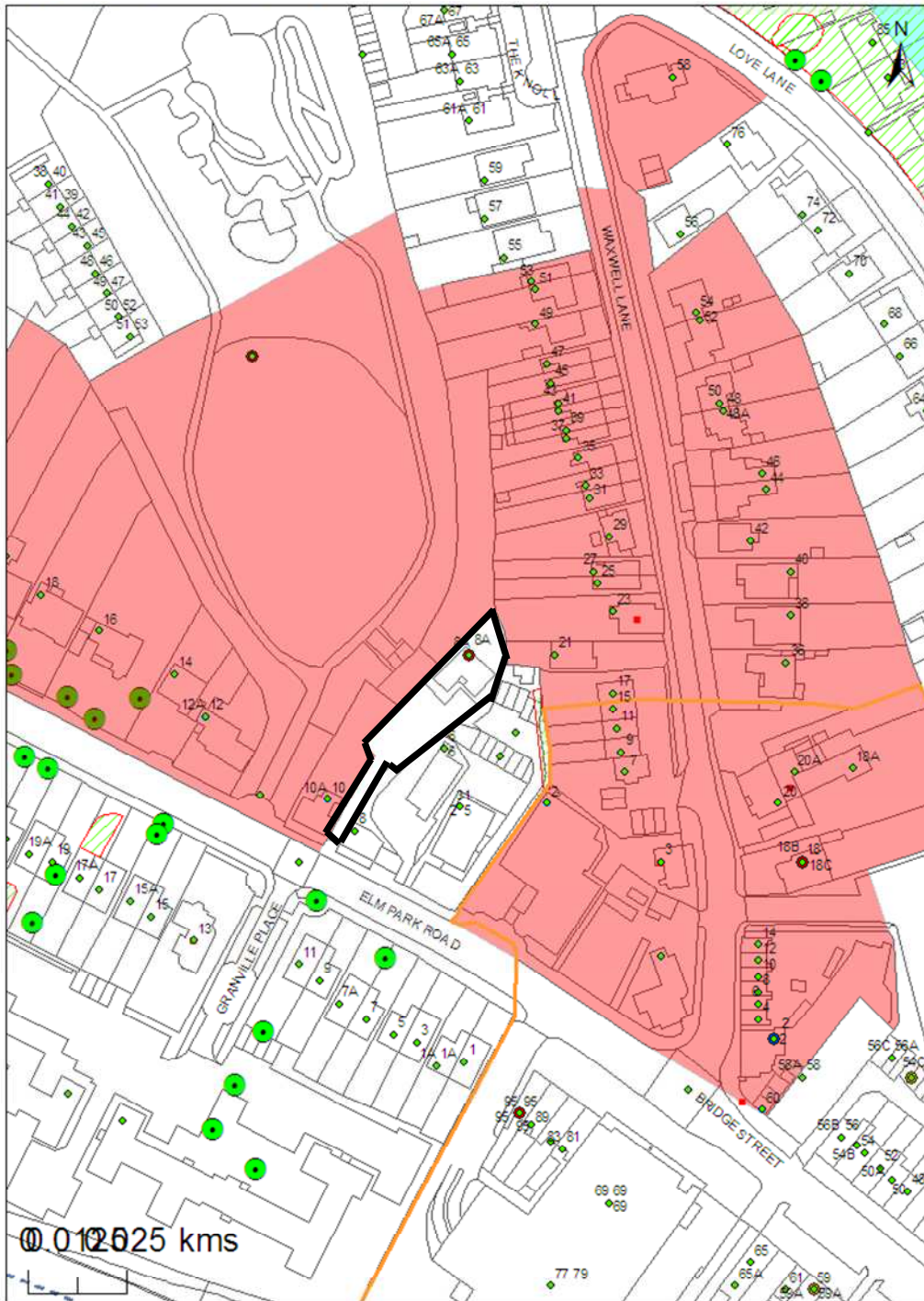
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

Please be advised that approval of this application by PINS on appeal following any refusal by Harrow Council after 1st October 2013 will attract a liability payment of £16,245.90 (based on new additional floor area of 147.69sqm, which incorporates residential use).

Plan Nos: PL/001 Rev A; PL/002; PL/003; PL/004; PL/005; PL/006; PL/007; PL/008; Design and Access and Heritage Statement; Arboricultural Impact Report

WESTGATE CHAMBERS 8A ELM PARK ROAD, PINNER



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Cities Revealed® aerial photography copyright The GeoInformation® Group, 2010



SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

Item No. **3/01**

Address: HARROW MAGISTRATES COURT, ROSSLYN CRESCENT, HARROW

Reference: P/0955/13

Description: LISTED BUILDING CONSENT: INTERNAL AND EXTERNAL ALTERATIONS INCLUDING REMOVAL OF WALLS AND INTERIOR FIXTURES AND FITTINGS AND PART REINSTATEMENT AND RECREATION OF FEATURES AND REPLACEMENT OF WINDOWS (PARTIALLY RETROSPECTIVE)

Ward: GREENHILL

Applicant: THE JASPAR FOUNDATION

Agent: HERITAGE COLLECTIVE LLP

Case Officer: LUCY HAILE

Expiry Date: 10/06/2013

RECOMMENDATION

REFUSE Listed Building Consent for the development described in the application and submitted plans for the following reason:

REASON

The proposal is unacceptable by reason of the substantial overall harm to the special interest of the court house caused by the alteration, loss and relocation of historic fixtures and fittings, the loss/undermining of the historic floor plan and the associated loss of court house character, that is unnecessary and not outweighed by the public benefits of bringing the building back into use. The proposals fail to preserve or enhance the special interest of the listed building and therefore conflicts with National Planning Policy Framework (March 2012) paragraphs 129, 130, 131, 132, 133, 134 and 137; the London Plan policy 7.8 C and D (July 2011); Development Management Local Plan Policy DM7 part A, B, E (May 2013), the Harrow Core Strategy policy CS1 part D, and the guidance contained within the Planning Policy Statement 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide (March 2010).

INFORMATION

The application is reported to the Planning Committee because the application is not covered by the Scheme of Delegation part 1, item 2 since it concerns extensive internal alterations to a listed building and is not a case where a companion application for planning permission has been submitted to the Council.

This application was deferred at the previous Planning Committee (dated 3 September 2013) for a site visit

Statutory Return Type: 23

Council Interest: None

Gross Floorspace: N/A

Net additional Floorspace: N/A

GLA Community Infrastructure Levy (CIL) Contribution (provisional): N/A

Site Description

- The application site comprises the former Harrow Magistrates Court on the west side of Rossllyn Crescent which became grade II listed on 20th October, 2003.
- The list description is as follows and was an accurate description of the site prior to recent unauthorised works:
- 'Court house, 1932-5, by W.T. Curtis (Middlesex County architect) and H.W. Burchett
- EXTERIOR: The building is in a neo-Georgian style. The principal street (south) facade is long and low with a projecting central pavilion. An entablature with stone architrave and cornice runs along the front, continued on the east and west sides. The central pavilion is articulated by brick pilasters. The entrance breaks forward from this with paired pilasters, stone columns in antis and stone pediments with a carved cartouche. End bays are marked by smaller pedimented, pilastered breaks. East and west facades are of similar design, with projecting end bays. There are four replacement windows on the east side. The rear (north) facade is two and a half storeys above ground level, with high level basement glass brick cell windows visible. There is a single storey projecting central bay and two pedimented, pilastered entrances at east and west ends. The former is raised, with a modern metal access ramp. To its left is a round arched window. A further entrance on the northeast corner serves the basement cells. There are first floor balconies on the northeast and northwest corners, the latter reached by a projecting hexagonal stair tower. The building faces south and is largely single storey, with a second storey above the north range, with floor levels rising at the north end.
- MATERIALS: The building is red and brown brick with stone dressings. External windows are wooden sashes. The entrance hall has semi-circular metal lunettes. The two principal court rooms have round arched clerestory metal windows, three on each of their east and west sides. External doors are timber. Each element of the plan is separately treated with largely hipped roofs, roman tiles on the four sides, plain tiles for the central court rooms and hall. There is a central stone cupola with balustrade on the front range. Chimneys are brick, including two positioned prominently at each end of the front range.
- PLAN: The plan is rectangular, the front range projecting slightly at its east and west ends. The two principal courtrooms are positioned on the west and east sides of a central corridor, running from north to south (now partitioned at its north end), leading from the entrance lobby on the south side. An internal corridor surrounds the courtrooms, leading to offices along the four external sides of the building. A third court room on the east side occupies the space of the former magistrates' luncheon room and a portion of the east corridor. The caretakers' flat occupying the first floor of the north side is reached by a stair in the northeast corner and has been converted to offices. The basement is occupied by the cells, servicing and storage.
- INTERIOR: walls and ceilings are painted plaster, with some modern suspended ceilings added. Floors are carpeted. Original varnished or painted timber doors survive, including a segmental pedimented doorcase and double door to central principal office

in the north corridor. Original fireplaces remain. The two main court rooms are mirror images of each other. They retain original wooden fittings: seating, magistrate's bench and dock, with only minor alterations. There have high coved ceilings, decorative plaster work and painted carved wooden royal coats of arms above the magistrate's seat. Glazed screens have been added. The central lobby has an arched roof and columns, and a domed roof light at its partitioned north end.

- **ADDITIONAL FEATURES:** The front boundary is marked by a low brick wall and metal railings.
- **HISTORY:** The building was formerly known as Wealdstone Police Court, renamed Harrow Magistrates Court during the 1950s. One of a number of suburban police courts designed by the noted Middlesex County Council architects' department, this is a good example of the genre, designed in a dignified Neo-Georgian idiom, with an unusually intact interior.
- **SOURCES:** Audrey Chamberlain, 'Goodbye Gore: A history of the Petty Sessional Division of North West Middlesex, Harrow' (1986); Bridget Cherry and Nikolaus Pevsner, Buildings of England: London 3: North West, London: Penguin, 1991, p.300'.
- The site also comprises an ancillary single storey outbuilding to the rear which is considered to be curtilage listed as it appears to date to pre-1947, though is not present on the 1932-1941 OS map.

Context

- Since the court use ceased in June 2011, the court house fell into disrepair and was added to English Heritage's 'Heritage at Risk Register' where it remains.
- The Jaspar Foundation took over ownership in 2012.
- Council advice was sought, and the Council duly advised on the requirement for Listed Building Consent for various works via email on 25th April, 2012.
- Repair works were conducted inside and outside the building which were underway in July 2012.
- Pre-application advice was sought in July 2012 (our ref: HA/2012/ENQ/00167) to change the building from a Magistrates Court (Sui Generis) to a Community Centre (Class D1) and two flats (Class C3).
- Following this, in late 2012 unauthorised alterations were conducted to the Listed Building to change the building from the Magistrates Court use to a community centre and flats, for which a Listed Building Consent was submitted retrospectively (our ref: P/2728/12) to retain these works.
- As this application brought these unauthorised works to the attention of the Council, an investigation under Listed Building Enforcement case reference: ENF/0623/12/P was triggered, which is still underway.
- This Listed Building Consent application and the comments contained in this report are relevant to the enforcement investigations at this site.
- The initial Listed Building Consent application submitted to cover these works was invalid primarily due to inaccuracies presented in the pre-existing plans, as explained via email to the agent on 11th December, 2012.
- In light of the recent unauthorised works and the invalid Listed Building Consent application, pre-application advice was again sought (our reference: P/0216/13/PREAPP) for which a letter of conclusion was sent out in March 2013.

Recent unauthorised works

- Without the legal required benefit of having sought or received Listed Building Consent the following internal and external works listed below have taken place, including many alterations to the historic floor plan and removal, destruction or relocation of historic

fixtures and fittings.

- Supporting statements for this proposal claim these changes are mostly required to accommodate the proposed reuse of the building as a community centre for the Jaspar Foundation to focus on elderly members of the Asian community for supervised health and cultural activities such as yoga, folk dancing and singing, and the facilities within the building will also be available to hire.

GROUND FLOOR

Both court rooms

- Court rooms enlarged to their original size.
- Court rooms are no longer such intact mirror images of each other due to removal, relocation, destruction (in whole and in part) of fixtures
- One original door and architrave has been relocated in each court room to create a second entranceway on the south elevation wall of each court room where there has only ever been one door and architrave.
- A sympathetically designed later addition timber door and doorway leading to both court rooms from the central corridor has been removed disrupting a floor plan that closely followed the original.
- In both court rooms, along the walls used to enlarge the court rooms to their original size, original fabric from internal features of the court rooms has been cut about to create timber panelling to these walls.
- Most original cast iron radiators, and where there were in places associated designed timber recesses, have been removed from the court rooms and elsewhere on the ground floor. Replacement radiators of a poorer and plainer quality have been installed in intermittent new locations.
- The full width, approximately 1m high, original timber barrier with gates as shown on the original floor plans across the rear of both court rooms has been removed. They are no longer apparent on site though have possibly been cut about to create the timber panelling for the walls for the enlarged court rooms.
- There was a relatively modern glazed enclosure fixed above the original timber screen in both courtrooms which has been removed and apparently destroyed.
- An apparently later timber barrier with adjoining glass screen above on the east side of court room 1 and the west side of court room 2 have been removed and apparently destroyed.

Court room 1 (west)- least altered of the two court rooms

- The original door to court room 1 that was part of the workings of the court room and was visible on the north-east side of the magistrate's seat has been infilled on the court room side to appear as though it was never there.
- Behind the magistrate's seat in court room 1 was a false 'architrave to a doorway' that mirrored the doorway on the other side bringing symmetry to this elevation, as shown on the original plans. This has been removed.
- An original bench fixed to, and part of the east wall, and shown on the original floor plans has been removed and apparently destroyed.
- The base of the staircase to the magistrate's bench has been partly removed.

Court room 2 (east) – most altered of the two court rooms

- All fixtures and fittings to court room 2 have been removed, relocated, substantially altered and/or destroyed, with the exception of one bench relocated to the southern wall and painted carved wooden royal coats of arms above the magistrate's seat, including:

- The original staircase to the magistrate's seat on the west side has been changed from a winding design to a straight one, entailing removal and cutting about of fabric.
- A new staircase has been installed to the magistrate's bench on the east side with original fabric from the court room apparently cut about to create this.
- The original timber panelled barrier with gate at raised platform level to the magistrate's seat, with timber desk with drawers behind, has been cut about with almost two thirds of the original timber desk and timber panelled barrier being cut off into two pieces and relocated to a proposed classroom and the remainder, including timber gate, apparently removed from site/destroyed.
- At lower level in front of the magistrate's seat, the original designed timber recesses for two integral short, elongated radiators and the radiators themselves have been removed and apparently destroyed.
- The original central, timber blue padded seating fixed to the south side of the timber barrier facing into the court room, with three seats, has been relocated to a proposed classroom.
- Directly to the south of this, an original large fixed desk and one set of side drawers as book ends either side of this, have been removed.
- The large desk seems to have been destroyed and the two sets of drawers relocated to the side room containing the staircase to the basement.
- The original designed timber barrier backing onto the rear of this large timber desk (with original timber shelf facing southwards to act as a desk to the bench sited behind) has been removed and apparently destroyed.
- The original central benches have been re-sited. One is now in court room 1 whilst the other is sited in a corridor. One of these two original benches had an original integral rear timber shelf fixed to it which has now been cut off and apparently destroyed, though may still be in a storeroom on site.
- Original integral fixing on the east side has been removed ie seating and witness stand, and apparently destroyed.
- The dock on the west side (possibly not original) with glass screen above has been removed and apparently destroyed.
- Whilst the plans and supporting statements provided state that all original court room fixtures and fittings are remain within the court house albeit sometimes relocated, this is not the case. Some items are missing or part/fully destroyed. Some cut about parts of former fixtures are kept are stored in the room just off court room 2 above the staircase to the basement - it s not always clear what fixture they came from.

Other ground floor changes:

- The partial remains of an original wall between the corridor and the third court room on the east side has been knocked down.
- Original wall with attractive white painted timber panelling to the proposed north-eastern meeting room has been removed.
- The original Milners safe shown as safe/strong room on pre-existing plans in the south-east corner has been removed (including walls, shelves and heavy cast iron entrance door) and adjacent walls destroyed, and the area converted to a disabled WC. It is claimed the safe door was stolen.
- Including the two walls listed above, 14 original walls indicating the original layout of the court house have been removed (in whole or in part).
- Numerous original doors and doorways which indicated the original layout and use of the court house have been infilled and new doors added.
- Unpainted timber doors have been painted e.g. the outside of the southern entrance door to court room 2.

- The two sets of original double timber doors with glazing of typical 1930s design, facing each other on the west and east to the central southern lobby area have been removed and one side infilled with a new wall and the other partly infilled.
- Two original fireplaces have been relocated to new locations.
- Two windows on the east elevation have been replaced.
- Basement level historic security windows to cells have been replaced with timber windows.
- Characteristic original timber parquet flooring shown on pre-existing photographs has been removed and replaced with a carpet.

BASEMENT

- The east area has been altered including total or partial removal of 13 walls (not including removal of men's cells) to create a flat and office areas although, they are all labelled as office areas on the proposed plans.
- All men's cells and visitor rooms have been removed. These were not original but were in the same area as the originals.
- Six new doorways have been introduced and two infilled.
- The area labelled as a proposed 'WC' to the far west (to the east of the basement fireplace) has had a bath installed and to the far east has had a shower installed.
- Two walls parallel one another have been installed in front of the two staircases to the court rooms to create a store area.
- Stairs from court room 2 to the cells have been blocked at the court room side.

FIRST FLOOR

- Two flats have been installed by altering the original floor plan to install a new corridor, remove part of an original chimney breast and remove 4 original walls.

OUTBUILDING

- Windows replaced from Crittal to UPVC and various internal alterations.

Proposal Details

- The application proposes to largely retain the unauthorised changes outlined above with the exception of the following amendments:

GROUND FLOOR

Both court rooms

- New door opening (architrave and door) in each court room to be relocated to location of pre-existing door opening (architrave and door).

Court room 1

- Reinststate the original false 'architrave to a doorway' on the west side of the northern wall to court room 1.
- Re-reveal the original door on the court room side of court room 1 ie on the east side of the north wall, as per the original design intent.

Court room 2

- Floor covering the top of the staircase to the basement is to be removed.
- Pre-existing winder configuration to the west staircase to the magistrate's seat to be reinstated.
- New east side steps to the magistrate's bench to be removed.

Other ground floor changes:

- Within the southern lobby area, a recess is proposed to indicate the location of pre-existing double doors on the west side.
- It is proposed to submit records of pre-existing 'Milners' safe and of the pre-existing court rooms if not already fully covered by the plans submitted.

Basement

- A clear glass panel is to be inserted in the new partition wall inserted directly in front of the staircases to reveal a view of the staircase to court room 1.
- A doorway opening is to be created in the new partition directly in front of the staircases to allow access to the staircase to court room 2.
- Plans have been submitted of the pre-existing men's cells as a record.

First floor

- No further changes proposed.

Revisions to Previous Application

- Not applicable

Relevant History

P/2728/12 – Internal and external alterations

Invalid – 12/12/2012

Pre-Application Discussion

Ref. HA/2012/ENQ/00167 – July 2012

- Proposals are for the change of use of the Listed Building from a Magistrates Court (Sui Generis) to a Community Centre (Class D1) and two flats (Class C3) at first floor level, and alterations to Listed Building. The proposed community use would be as a drop in centre focusing on members of a specific group of the local community. The court rooms would be community halls and a dining room in the other former court room. Ancillary rooms would be used on the first floor, basement and ground floor as offices and private visiting rooms. The first floor would be converted into ancillary flats for a caretaker and administrator.
- Summary and conclusion: The principle of the reuse of this building is welcomed and encouraged. There are concerns with the current proposal that would need to be addressed for the proposal to comply with national and local conservation policy: 1) Level of alteration proposed to court rooms 1 and 2. 2) Loss of cells in the basement. 3) Loss of the original layout, loss of original door handles and proposed secondary glazing.
- In terms of the proposed first floor flats for onsite residential accommodation for employees, Officers consider that subject to strict controls in place to ensure that the units are not available on the open market, and that they are only used on a temporary (as opposed to long term) basis, that in principle they are acceptable.

P/0216/13/PREAPP – March 2013

- Proposals: The proposals are to change the use of the building from a Magistrates Court (Sui Generis) to a Community Centre (Class D1) with two/four flats (Class C3) and retain the associated unauthorised works to the Listed Building which include the

following:

- Courtroom alteration works including relocation and destruction of original fittings
 - Partial and complete removal of walls
 - Infilling and removal of original doors and doorways
 - Removal of an original Milners' safe on the ground floor
 - Relocation of two original fireplaces
 - Changes to windows
 - Removal of all original cells and visitor rooms in the basement
 - Installation of four flats within the building – two on the first floor and two in the basement
- Summary and conclusion: Currently the proposal would not receive Listed Building Consent as the extent of alterations to the Listed Building is harmful to its special interest and this harm is not outweighed by, or wholly necessary, in order to achieve the public benefits of bringing the building back into use. Many amendments are required to the proposal to ensure it retains or recreates more historic fabric and features as outlined within appendix 2, to make it more likely that the proposal would receive Listed Building Consent. In order to pass validation stage it is recommended that the advice given within appendix 1 is followed.

Applicant Submission Documents

- Design and Access Statement
- Heritage Statement
- Former Harrow Magistrates Court Statement of Proposed Use by the Jaspar Foundation

Consultations

The following groups were consulted and any response was due by 12th June, 2013 but none has been received:

- The Georgian Group
- Society for the Protection of Ancient Buildings
- Victorian Society
- Harrow Hill Trust

Advertisement

Site Notice

Harrow Observer

Harrow Times

All expire: 20th June, 2013

Notifications

N/A

Addresses Consulted

N/A

Summary of Responses

- **The Ancient Monuments Society** responded on 14th June 2013: 'The legislation for the protection of listed buildings will only work if consent is sought before rather than after works are carried out. Complying with the provisions is of course a legal requirement. The destructive works carried out here are particularly unfortunate as the

retention of the two courtrooms, and their internal character, should be compatible with the intended use as a day centre. We do urge that the character of this rather charming building is conserved and protected'.

- They responded further on 6th August, 2013 to state 'in view of the Twentieth Century Society's special expertise, we are happy to defer to them on the acceptability of the proposals. We are certainly very concerned that such extensive works have been carried out without permission. We would be happy to attend a site visit should this be offered'.
- **The Twentieth Century Society responded on 31st July, 2013:**
'The Society **strongly objects** to this application, which causes substantial harm to a Grade II listed Heritage Asset.

The Society has attended a site meeting to consider the application and has been party to detailed discussions. It is apparent however that the revisions to the application which have been submitted subsequent to this site meeting fail to address the concerns that the Society have on this proposal.

The Twentieth Century Society is against the removal of any fabric from a listed building, but we acknowledge the need of the building to accommodate sympathetic alterations to allow for beneficial use. Unfortunately many of the alterations to this building are unsympathetic and unauthorised. We are particularly concerned about those features which contribute to its listed status. The list description for this building specifically cites as significant its "unusually intact interior" and notes that the two courtrooms "retain original fittings: seating, magistrate's bench and dock, with only minor alterations". The Society's view is, therefore, that the alterations to and removal of the internal fittings and changes to the plan form of the building constitute more than substantial harm to the listed building.

Specific areas of objection are:

- The changes to the courtrooms: these are of particular concern. We are of the opinion that the original fittings in both courtrooms should be reinstated fully, with faithful replacements made for any fittings destroyed. This includes the later witness stand and glazing which form part of the history of the courtrooms. These alterations are totally unacceptable and cause more than substantial harm to the heritage asset.
- The loss of the Milners' safe on the ground floor: this is particularly regrettable and a replica or an original salvaged from elsewhere should be installed without concession (unless certain proof of theft is produced).

The reinstatement of original walls on the ground floor would be desirable to retain the plan layout of the building. These walls are currently recorded by the retention of nibs at ceiling level. The removal of these walls in order to create more flexible space for the new use of the building is understood. Whilst the Society regrets their loss these are of lesser significance than the court rooms and their loss in order to maintain the heritage value of the courtrooms could be considered acceptable.

The NPPF (March 2012) states:

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

The onus on the local authority is to conserve heritage assets and not destroy them. The destruction of the courtroom furnishings represents a hugely detrimental alteration to a grade II listed building, contrary to paragraph 132. This application should be refused consent as it would create a situation which, according to the NPPF, should be "exceptional".

The NPPF goes on to say:

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...

The applicant has failed to provide any justification for the total loss of such critical elements of this heritage asset and the local authority should therefore refuse consent. The proposed improvements do not justify wholesale destruction of heritage assets, and the Society does not consider them to be "*substantial public benefits that outweigh that harm or loss*". The proposed activities could easily be undertaken without such drastic alterations, as not only do the office areas surrounding the courtrooms provides ample opportunity to house large activities, the courtrooms themselves can still accommodate large numbers without such drastic intervention.

Summary

In summary we would like to re-iterate that the Society objects to these proposals as they cause substantial harm to a designated heritage asset. The applicants have repeatedly failed to take into account the significance of the architecture of the site, despite being given ample opportunity and guidance on appropriate areas of intervention.

The Society would therefore urge Harrow Council to refuse this application, and prevail upon the applicants to reassess their treatment of this heritage asset.

I hope these comments are useful to you in your deliberations regarding this case, I would be extremely grateful if the Society could be informed of the Council's decision.

- **London and Middlesex Archaeological Society responded on 4th July, 2013:**
This Committee acts on behalf of the Council for British Archaeology. 'The Committee had strong objections to the fact that work had been carried out beforehand. The question was raised as to whether the client was seeking retrospective permission? The Committee fully endorsed the Conservation Officer's wishes for the Court rooms to be restored; similarly the views of the Twentieth Century and Ancient Monuments Societies'.

London and Middlesex Archaeological Society additional comment received on 15th August, 2013:

'The Committee duly considered the revised plans (notification to LAMAS on the 26th July) and continued to have strong objections to this proposal. It was agreed that a sensible compromise should be sought between the Application proposal (to strip out all the fittings with photographs of the previous layout on display) and any proposal to re-instate the former Courtroom as it had been. Given that the use was redundant, this was not seen as realistic but the retention of certain key features was considered essential. It was agreed that I should discuss this further with you if that would be useful'

- An objection was received from **Rosslyn Crescent Management Company** on 30th August, 2013 since reading 'about the destruction of the court building interior in a recent article in the Harrow Observer' and then reading 'about the full extent of the damage' they are:
 - horrified that the Jaspar Foundation has completely ignored the building's Grade II listed status and seemingly done just what it fancied inside.
 - doubly disappointed given the care they seem to have taken over the outside.
 - craftsmanship and original items that can never be restored have been 'destroyed.'
 - wholeheartedly in favour of refusing listed building consent and believe the foundation should do what is necessary to return the court, as much as possible, to the way it was when they moved in
 - Surely the organisation understood what it was taking on when it bought the building?
 - Fact that this vandalism occurred raises questions about the council's involvement. Can't understand why, given the building's listed status and unique character and the difficulty of converting it, a planning officer did not visit during the work. I can't help feeling the council's planning department should have monitored this development much more closely – the building is just one minute's walk from the Civic Centre.

APPRAISAL

MAIN CONSIDERATIONS

Internal and external alterations

The proposal sees the reuse of the former court house as a community centre with flats by retaining all recent unauthorised alterations, including extensive internal alterations listed above under 'recent unauthorised works', with the exception of amendments listed above under the 'proposed details' heading. In assessing the acceptability of the proposals, the need to preserve the special significance of the listed court house must be balanced against public benefits, having particular regard to national and local planning policy and guidance.

Significance of the Listed Court House

According to paragraph 129 of the National Planning Policy Framework (NPPF)

'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal...taking account of the available evidence and any necessary expertise'. According to the NPPF's definition of 'significance', this is 'the value of the heritage asset to this and future generations

because of its heritage interest. That interest may be archaeological, architectural, artistic or historic’.

The court house’s significance is archaeological, architectural and historic and was affected by recent works. Prior to recent unauthorised works, the 2003 list description (above) outlined its significance but was not exhaustive. It highlights the 1932-35 court house as ‘one of a number of suburban police courts designed by the noted Middlesex County Council architects’ department,...a good example of the genre, designed in a dignified Neo-Georgian idiom, with an unusually intact interior’ and notes ‘the two main court rooms are mirror images of each other. They retain original fittings: seating, magistrate’s bench and dock, with only minor alterations’. The Local Planning Authority’s July 2012 pre-application advice letter of conclusion made specific reference to these court rooms as ‘its principal rooms of interest, and its basement cells...being a fundamental reminder of former use’.

Part of this court house’s ‘unusually intact interior’ was its historic floor plan (ie layout of rooms, doors and walls) which told the story of the working of the court house, indicating historic circulation patterns. The original Milners’ safe was fundamental to the former court house’s operation. The numerous 1930s style cast iron radiators enhanced the court rooms’ quality as they were originally created and sited to fit within designed timber recesses to complement the carefully crafted interior.

The court house’s later fittings and alterations provided significance by adding layers of history. For example, the later court room witness stand and glass screens illustrated how court house use developed over time, rather than statically illustrating one point in time. Non-original security measures to the basement windows provided evidence of its former use to house prisoners and the hierarchical nature of the different court house levels. Later replacement cells provided evidence of the continuous segregation of male and female prisoners and the basement layout, though part altered, maintained historic circulation patterns such as continuous direct access from cells to courtrooms.

According to Heritage Statement provided there is ‘doubt as to whether the fitted [court room] furniture is original since the style, joinery and finish appear more akin to the 1960s’. No evidence is provided to support this assertion and the original plans, list description and site inspections prior to, and after works, indicate the fitted furniture was original, with the exception of some clear later court room furniture described in the site description section that were nevertheless of historic interest.

Brief reference is made in the Heritage Statement to court room fixtures possibly not being true legal ‘fixtures’ protected by the listed status of the building as they were only minimally fixed. But they were: fixed to the courtroom, referenced in the list description and were integral court house function and can therefore be considered part of its special interest.

Substantial Harm to Significance

In light of this significance, relevant policy and guidance includes the National Planning Policy Framework (NPPF) paragraph 131 which states ‘In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation’. Similarly, paragraph 132 applies which states ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The

more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset’.

Similar London Plan policy applies. Policy 7.8 C states: ‘Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate’ and ‘Development affecting heritage assets...should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail’. Likewise development management policy 7 A states: ‘Proposals that secure the preservation, conservation or enhancement of a heritage asset..., or which secure opportunities for sustainable enjoyment of the historic environment, will be approved’. And preference ‘is to be afforded to proposals that both conserve and sustain heritage assets’; and ‘a. pay special attention to the building’s character and any features of special architectural or historic interest which it possesses’.

Contrary to the above policies this part-retrospective proposal causes substantial harm to the listed court house due to the extensive destruction/cutting about (in whole or in part), removal and relocation of much internal historic fabric and features and altering the historic layout. This causes substantial overall harm to its significance as a good example of a 1930s court house with unusually intact interior and associated court house character.

- Main Court Rooms (1 and 2)

These were the principal rooms of interest, significant for their largely intact character, mirroring one another. The proposed (largely retrospective) changes remove, relocate, cut up, alter and/or irreversibly destroy this intact character so the rooms no longer mirror one another. As the Twentieth Century Society state such alterations ‘are totally unacceptable and cause more than substantial harm to the heritage asset’.

Individually the changes are also harmful. Removal of the original full width timber screen and gate across the rear of each court room is harmful since they told the story of the working of the court rooms. They appear to have been destroyed as they are no longer present on site, so their careful craftsmanship has been permanently lost contrary to supporting Planning Practice Guide paragraph 180: ‘Where possible it is preferable for new work to be reversible, so that changes can be undone without harm to historic fabric’ and Development Management Local Plan Policy DM7 part g: ‘the reversibility of any change’ should be considered’.

The timber panelling to the new walls to the enlarged court rooms do not preserve special interest as original fabric from listed fixtures has been cut about to create this, probably from original timber screens. Whilst reusing historic fabric helps retain character, this is not offset by the harm caused to integrity and significance by permanently destroying original intact features referenced as significant within the list description.

Removal of the original high quality cast iron radiators and associated timber recesses which formed part of the timber panelled court room design harms special interest by undermining original design quality and intention. Harm caused by removal is increased by the replacement radiators of an obviously poorer, cheaper and plainer quality, with no apparent integral fitted design.

Removal of the relatively modern court room fixtures of glass screens and timber barriers also harms special interest. As the Twentieth Century Society state, the later additions ‘form part of the history of the court rooms’ and indicated how the use of the court rooms

had changed over time.

Despite court room 1 being claimed within the heritage statement to have 'full retention and preservation [of fittings] to greatly reduce the degree of harm resulting from works to court room 2', this is not the case. The above alterations happened to both court rooms which were intact mirror images of each other. This increases the harm as there is no longer evidence of even one intact court room. Also, whilst court room 1 does retain a court room character, its special intact character is undermined by the above alterations to both court rooms as well as just to this court room, the removal of an original side bench and the base of the staircase to the magistrate's seat.

In contrast, court room 2's character has been substantially lost as it is more or less an empty hall now having been fully emptied of court room fixtures with the exception of some wall panelling, a timber bench and painted carved wooden royal coats of arms. This includes benches, desks, timber barriers, glass screens, radiators and associated timber recesses, drawers, original steps to the magistrate's seat and side seats. The proposal is only to reinstate original winding steps to the magistrate's seat.

It is noted that plan labels and the heritage statement claims that 'all removed furniture elements have been retained within the building'. It is considered that having visited the site, this is not the case. The alterations to the building are not fully reversible since whilst items can always be recreated, original fabric, craftsmanship and authenticity can not. Although some items have been re-sited (e.g. central timber benches) or are in storage above the basement stairs, many items here have been cut about, some so much it is not clear what item of furniture they belonged to. Many items are not apparent at all having apparently been destroyed such as court room 2's side seats, stairs to the magistrate's seat, timber screen at magistrates level and part of the magistrate's seat's desk. Regardless, even if some items can be reinstated PPS 5 guidance note states paragraph 180: 'reversibility alone does not justify alteration. If alteration is justified on other grounds then reversible alteration is preferable to non-reversible'.

- Other Ground Floor Changes

The cumulative effect of the other changes to the ground floor plan is the loss considerable historic fabric, character and legibility of the historic workings of the court house. Fourteen original walls (in whole and in part), infilling of numerous original doors and doorways and resiting of two fireplaces. This is contrary to guidance contained in paragraph 182 of the Planning Policy Practice Guide which states 'The plan form of a building is frequently one of its most important characteristics and internal partitions,...and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements...will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations'.

Similarly this extensive removal of fabric is contrary to paragraph 179 of the Practice Guide which states: 'The fabric will always be an important part of the asset's significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion'. Similarly, DM 7 B part b. states the impact of proposals affecting heritage assets will be assessed having regard to: b. relevant issues of design, appearance and character including ...historic fabric, use, features, ...layout, [and] plan form.'

Individually, other ground floor changes have harmed significance. Removal of remains of original walls to court room 3 disrupts the legibility of one of the main rooms of this court house. Retention was all the more important, as most of defining walls to this room had already gone. Whilst the heritage statement indicates this is proposed to go back, the proposed plan HMC-R00 REV A shows this proposal would not to reinstate it. Also, a particularly decorative wall was removed to the pre-existing magistrate's office and so the loss of this is more significant as it provided interest and marked the boundary of a grander court house room. The sets of original double timber doors facing each other now removed in the central southern lobby is harmful as the characteristic 1930s doors marked the main courthouse entrance. The removal of the parquet flooring also harms character.

It is claimed that the original Milners safe door was stolen (a crime reference number has been provided) but that it was opted to demolish the remainder and convert this area to a disabled WC. As the Twentieth Century Society state, its loss 'is particularly regrettable' and 'certain proof of theft' is essential but not yet apparent to justify removal. It was integral to the original workings of the court house and acted as a fundamental, interesting and valuable reminder of this.

Unpainted timber doors have been painted e.g. the outside of the southern entrance door to court room 2. This is clear as a photograph has been provided of it being painted. Whilst the list description refers to both painted and unpainted timber doors, the original plans clearly show these to be unpainted, probably with a varnish finish, in keeping with the court room fittings. Therefore this change undermines the special intact, unaltered character.

- Basement

The significance of the basement has been harmed by proposals. Its historic character as a segregated space for female and male prisoners with associated interview rooms and direct access to court rooms, is harmed by this proposal since numerous walls, all men's cells and interview rooms are destroyed, doorways are blocked and new ones inserted and access to the court rooms has been blocked by the insertion of a new wall to create a self-contained flat (labeled as office, WCs and storage on proposed plans). Another wall inserted directly in front of the stairs, within which it is now proposed to insert a viewing panel on one side and open up access to the other stair, still further disrupts the historic floor plan. Whilst the removed cells were not original, they were in the same space as the originals and were an important part of the working court house character. Replacement of the secure basement windows with timber ones has undermined the legibility of character of the basement as a secure space to house prisoners.

- First floor

Harming significance further, two flats have been installed in a more invasive way than proposed at the pre-application advice meeting of July 2012 since more historic fabric has been removed and more historic layout disrupted. A new corridor has been installed, part of an original chimney breast removed and four original walls removed whereas within the original pre-application proposal only two would have been removed. It is not clear why the less harmful reuse of the first floor proposed at the pre-application stage could not have been implemented instead.

- Outbuilding

The loss of the Crittal windows to this outbuilding, which complemented the high quality and 1930s character of the courthouse, and replacement with UPVC undermines the traditional setting of the listed courthouse. No justification for replacement has been provided. This is contrary to paragraph 137 of the NPPF which states 'local planning authorities should look for opportunities for new development within...the setting of heritage assets to better reveal their significance'.

Limited Public Benefits and Unnecessary Harm

Supporting statements point out reuse as a community centre brings public benefits via provision of its facilities partly for hire, and it provides a new building use. Certainly the principle of reuse is encouraged since as per the pre-application advice and consultation responses, use as a community/day centre could have been compatible with retaining special interest. Economic vitality is recognised as paragraph 131 of the NPPF states 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality' should be considered.

However, the level of alteration to achieve such benefits is excessive and the harm is not outweighed by these public benefits. NPPF paragraph 132 states 'As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building...should be exceptional'. As the Twentieth Century Society state the harm caused is 'substantial' and the above does not provide 'clear and convincing justification' for such change which the NPPF states should be 'exceptional'.

The statement of proposed use demonstrates the proposed changes are excessive for court room 2. If left intact the room had capacity for 74 people, a compromise of partial retention of fixtures would have allowed 118, whereas current capacity is 145. So, the room would have been viable for reuse to a high capacity whilst fully retaining special interest, and even relatively minor alterations would have greatly increased capacity.

Justification provided also does not take a required flexible approach to proposed reuse balanced against the need to preserve heritage value contrary to NPPF paragraph 129 which states proposals should 'avoid or minimize conflict between the heritage asset's conservation and any aspect of the proposal'. For example, it does not take account of the possibility of splitting community events so that some capacity is filled in rooms of lesser significance where walls were recently removed to create larger open spaces. As the Twentieth Century Society state: 'reinstatement of original walls on the ground floor would be desirable to retain the plan layout of the building. These walls are currently recorded by the retention of nibs at ceiling level. The removal of these walls in order to create more flexible space for the new use of the building is understood. Whilst the Society regrets their loss these are of lesser significance than the court rooms and their loss in order to maintain the heritage value of the courtrooms could be considered acceptable'.

The heritage statement claims court room 1 has been left 'effectively 'mothballed' and unsuitable for new uses' (page 29). However, the statement of proposed use shows that even unchanged court room 1 could be reused to high capacity (74 people).

Individual harmful changes are unnecessary. Removal of the west set of double original doors to the central southern ground floor lobby could have been simply locked shut and concealed by a curtain rather than replaced with a solid wall. Now, they could be recreated and reinstated and a curtain pulled in front. The opposite set could be recreated

and the entrance desk set back behind them. In the basement some male cells could have been retained. Even if the safe door has been lost to theft, the remainder could have been usefully retained without harming proposed reuse of this area as WCs and a couple of men's cells could have been kept as a record.

It is stated that a record of lost features has in part been provided and could be fully provided where necessary in order to address the harm to special interest. For example, in court room 2 it is stated a permanent record would be on display of the court room (ref: HMC-02-03.3 REV A). However, the NPPF is clear that this is not a relevant justification for works since it states 'the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted'.

As conducted the proposal therefore does not propose the optimum viable use and the public benefits do not outweigh the harm. In the instances where the works to this building cause less than substantial harm to its significance this is therefore contrary to paragraph 134 of the NPPF which states 'harm should be weighed against the public benefits of the proposal'. Since the harm caused to this listed building by this proposal is substantial, this proposal is also contrary to the NPPF paragraph 133 which states 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- 1) the nature of the heritage asset prevents all reasonable uses of the site; and
- 2) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- 3) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- 4) the harm or loss is outweighed by the benefit of bringing the site back into use.

In this case, another use or a separate source of funding could have come forward if this use had not gone ahead which could have kept the court house in use without so much harmful change. The building was not on the market for long and SAVE Britain's heritage publication 'Silence in Court The Future of the UK's Historic Law Courts' have found that whilst there is a need to be creative, court houses allow for multiple possibilities for reuse whilst retaining special interest. Not allowing for other less harmful possibilities is contrary to Development Management Policy DM E part B which states 'all opportunities [should be exploited] to secure the future of listed buildings particularly those on the 'heritage at risk' register'. As a result of these changes, this court house remains on English Heritage's 'at risk' register for the foreseeable future.

Works Proposed to Reduce Harm

Some of the proposed works (part-retrospective) limit or part-reverse the recent harm to significance. However, this appraisal shows that whilst important, these works are minimal and so do not cause the overall harm to be less than substantial.

For example, the three replica original timber windows replacing UPVC ones is an enhancement. The recent unauthorized relocation of one original door and architrave in each court room to create a second entranceway on the south elevation wall of each court room is inappropriate since reflecting the former working of the court rooms, there has only ever been one doorway on the south elevation. The proposal to now relocate these doorways to the wall adjoining the central corridor of each is necessary though since it would more closely follow the original design, and would help offset the harm caused by

the recent removal of a non-original, but historic and sympathetically designed, later addition timber door and doorway leading to both court rooms from the central corridor.

Part of the proposal (retrospective) to restore the court rooms to their original size causes the loss of the evidence of the layers of history of these court rooms but this does allow for reinstating the original court room size and character. So, this aspect of the proposal does on balance preserve the special interest of the listed building.

Within court room 1 the proposal to recreate the false 'architrave to a doorway' on the west side of the northern wall to court room 1 and re-reveal the door on the court room side of court room 1 ie on the east side of the north wall is necessary. Similarly, some proposals for court room 2 are necessary: namely, re-revealing the stairs leading from this courtroom to the basement, recreating the original winder configuration to the proposed west staircase to the magistrate's seat and removing the new east side steps to the magistrate's bench. This is because they would reinstate special interest by revealing original design features / layout of the court house that have been unnecessarily concealed, removed or altered.

However, whilst these proposals include recreating lost features, original craftsmanship and authenticity cannot be recreated and so this harm cannot be fully undone. This is in line with the Ancient Monuments Society's assertion that: 'The legislation for the protection of listed buildings will only work if consent is sought before rather than after works are carried out. Complying with the provisions is of course a legal requirement'. Recreating lost features can never fully reinstate what was there before.

Consultation Responses

The three objections received from conservation societies are addressed in the appraisal above.

CONCLUSION

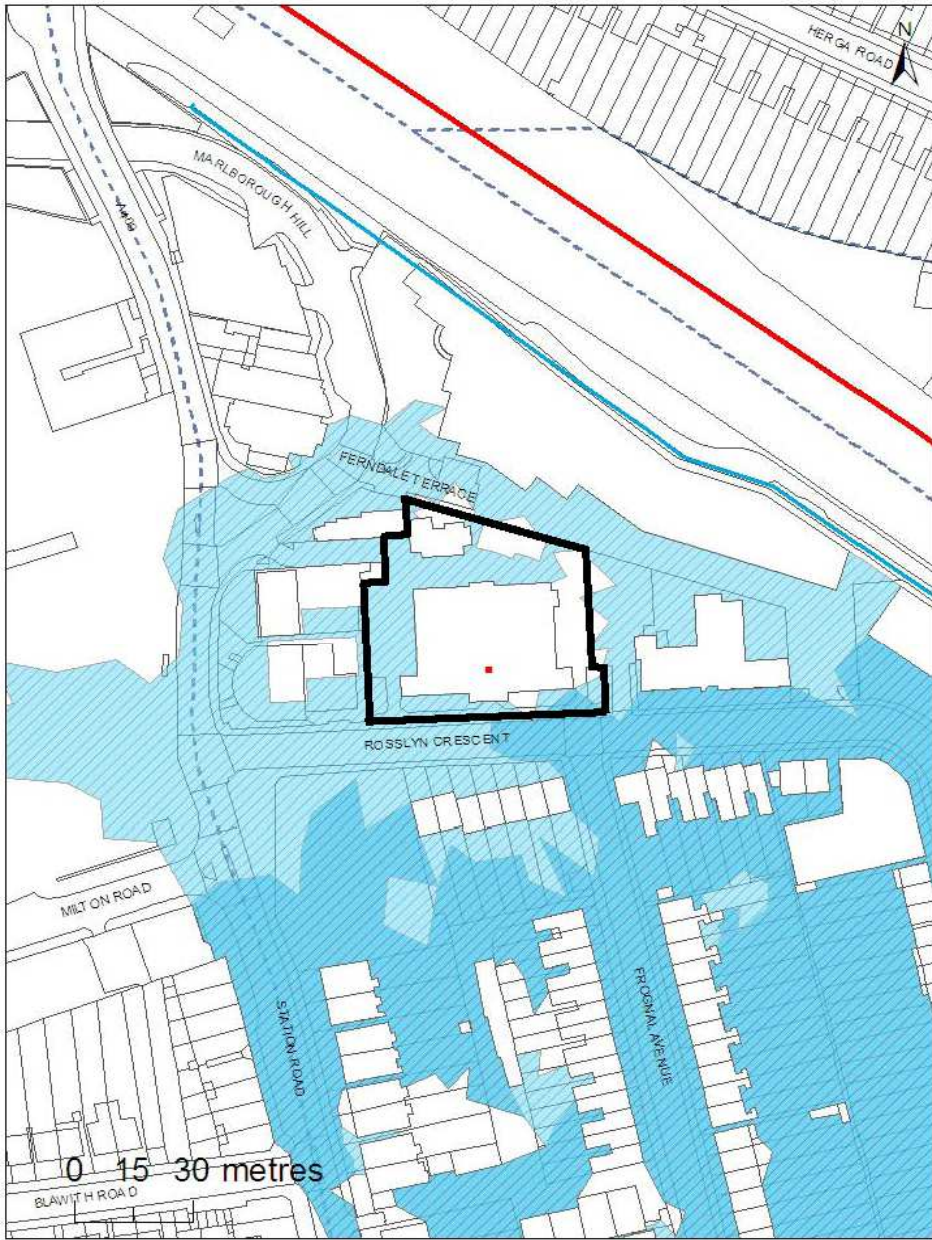
In summary, the recommendation to refuse Listed Building Consent has been taken having regard to relevant heritage related national planning policy, policies of The London Plan 2011, the Harrow Core Strategy and Development Management Policies as listed below, as well as to all relevant material considerations including the responses to consultation. This is because this part-retrospective proposal causes substantial overall harm to the special interest of the court house caused by partial or complete loss and/or relocation of historic fixtures and fittings, the loss/undermining of the historic floor plan and the associated loss of court house character. This harm is unnecessary and is not outweighed by the public benefits of bringing the building back into use. This is notwithstanding the minor proposed amendments to the proposal that are desirable and would see some minimal recreation and reinstatement of features of interest.

INFORMATIVES

1 The decision to refuse planning permission has been taken having regard to National Planning Policy Framework (March 2012) paragraphs 129, 130, 131, 132, 133, 134 and 137; the London Plan (July 2011); Development Management Local Plan Policy DM7 part A, B, E (May 2013), Harrow Core Strategy policy CS1 part D (February 2012), and the guidance contained within the Planning Policy Statement 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide (March 2010).

Plan Nos: HERITAGE STATEMENT JULY 2013; HMC-02-01.1.1 REV A; HMC-02-01.1.2; HMC-02-01.1.3 REV A; HMC-02-01.2.1 REV A; HMC-02-01.2.2; HMC-02-01.2.3 REV A; HMC-02-01.2.4; HMC-02-02.2 REV A; HMC-02-02.4 REV A; HMC-02-02.1 REV A; HMC-02-02.3 REV A; HMC-02-03.1 REV A; HMC-02-03.3 REV A; HMC-02-03.2 REV A; HMC-02-03.4 REV A; FORMER HARROW MAGISTRATES COURT STATEMENT OF PROPOSED USE BY THE JASPAR FOUNDATION; DESIGN AND ACCESS STATEMENT; HARROW MAGISTRATES COURT PRE-EXISTING PHOTOGRAPHS; JM024-402 REV A; JM024-302 REV F; JM024-502 REV A; JM024-202 REV A; HMC-ROO REV A; HMC-2-FG01 REV A; JM024-201 REV A; JM024-501 REV A; HMC-2-FB01 REV A; JM024-401 REV A; JM024-301 REV F; JM024-303 REV F; JM024-203 REV A; JM024-403 REV A; JM024-503 REV A; HMC-R01 REV A; HMC-2-FF01 REV A; JM024-100; HMC-02-MC14.1; JM024-111; JM024-112; JM024-121; JM024-131; PHOTOGRAPHS AS BUILT; HMC-02-01.2.5

HARROW MAGISTRATES COURT, ROSSLYN CRESCENT, HARROW



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SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.