

# **Planning Committee**

## **PLANNING APPLICATIONS RECEIVED**

**DATE:**

**Wednesday 12 March 2014**

**PLANNING COMMITTEE**

**APPLICATIONS**

**WEDNESDAY 12<sup>TH</sup> MARCH 2014**

**PLANNING APPLICATIONS RECEIVED**

**SECTION 1 - MAJOR APPLICATIONS**

**SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT**

**SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL**

**SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES**

**SECTION 5 - PRIOR APPROVAL APPLICATIONS**

**PLANNING COMMITTEE**

**WEDNESDAY 12<sup>TH</sup> MARCH 2014**

**INDEX**

						Page No.
<b>1/01</b>	HARROW COLLEGE, LOWLANDS ROAD, HARROW	P/3889/13	GREENHILL	<b>GRANT</b>		1
<b>2/01</b>	125 NORMAN CRESCENT, PINNER	P/3973/13	PINNER	<b>GRANT</b>		22
<b>2/02</b>	STORE REAR OF 59 HAVELOCK ROAD, HARROW	P/3463/13	WEALDSTONE	<b>GRANT</b>		31
<b>2/03</b>	MONTESOLES PLAYING FIELDS, UXBRIDGE ROAD, PINNER	P/2452/13	PINNER	<b>GRANT</b>		40
<b>2/04</b>	LYONS, GARLANDS LANE, HARROW ON THE HILL	P/4033/13	HARROW ON THE HILL	<b>GRANT</b>		59
<b>2/05</b>	VARIOUS SITES AROUND BUSHEY INCLUDING FIVE WITHIN LONDON BOROUGH OF HARROW	P/0084/14	STANMORE PARK	<b>GRANT</b>		72
<b>2/06</b>	LETCHFORD ARMS PUBLIC HOUSE, LETCHFORD TERRACE, HARROW	P/3882/13	HATCH END	<b>GRANT</b>		82
<b>3/01</b>	380 HIGH ROAD, HARROW	P/3600/13	HARROW WEALD	<b>REFUSE</b>		105
<b>4/01</b>	102-124 STATION ROAD, EDGWARE	P/0107/14	ADJOINING BOROUGH	<b>NO OBJECTION</b>		112

## SECTION 1 – MAJOR APPLICATIONS

Item No: 1/01

Address: HARROW COLLEGE, LOWLANDS ROAD, HARROW

Reference: P/3889/13

Description: DEMOLITION OF EXISTING TEMPORARY CLASSROOMS AND PART DEMOLITION OF TEACHING BLOCK AND CONSTRUCTION OF 4 STOREY AND 5TH STOREY BUILDING FOR PLANT TEACHING ACCOMMODATION WITH EXTERNAL LANDSCAPING WORKS

Ward: GREENHILL

Applicant: MS JUDITH ABBOTT

Agent: IBI TAYLOR YOUNG

Case Officer: SUSHILA BHANDARI

Expiry Date: 12/03/2014

### RECOMMENDATION

**GRANT** planning permission subject to conditions:

### REASON

The proposed development would replace existing modular buildings on the site which are of poor quality. Whilst it is noted that the replacement building would be greater in scale than the existing two storey structures, it is considered that overall, the modern design of the building would enhance the built form of the site. Furthermore, the building would provide a focal point at this location which would be observed from nearby land uses. The proposal would be sufficiently set away from the listed building located within the Harrow College grounds and the proposal would preserve the setting of the adjoining Conservation Area. The proposal would have no undue detrimental impact upon nearby residential amenities of properties situated on Grove Hill Road.

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 the proposal relates to a major development comprising a floor area greater than 1000 sqm.

**Statutory Return Type:** Small scale major development

**Council Interest:** None

**Gross Floorspace:** 3002 sqm

**Net additional Floorspace:** 1740 sqm

**GLA Community Infrastructure Levy (CIL) Contribution (provisional): NIL** - The Mayor of London Charging Schedule (February 2012) outlines that CIL will not be payable where “Development is used wholly or mainly for the provision of education as a school or college under the Education Acts or as an institution of higher education”.

## **Harrow CIL:**

### **Site Description**

- The subject is located within the north-western section of the Harrow College site fronting the Harrow on the Hill Station Car Park to the north and Lowlands Recreation Ground to the east.
- Harrow College site itself is located on the northern side of Lowlands Road. Part of the front boundary of the site lies within the Roxborough Park and The Grove Conservation Area.
- The southern boundary of the site features mature vegetation.
- Harrow College comprises a number of two and three storey buildings, with some temporary modular buildings.
- The most prominent building on the site is the two-storey brick faced Brunel building adjacent to the southern boundary of the site. This building has a long central axis parallel to Lowlands Road and two further axes perpendicular to the main axis.
- The building to the north-west of the Brunel building, the White House is a Grade II Listed building and by virtue of the buildings linking the Brunel building and the White House, the Brunel building is also considered to be listed.
- The section of the site that relates to this application comprises the temporary two storey modular buildings facing the Harrow on the Hill Station car park and the three storey Armstrong building located to the east, fronting Lowlands Recreation Ground.
- Directly to the east of the subject site, is the three storey 1980's extension to the college which links back to the main Brunel building.

### **Proposal Details**

- The application proposes to remove the current two storey temporary modular building located within the northern section of the campus and demolition of the three storey stepped elevation of the Armstrong Building located on the northern side of this building.
- In place of these buildings it is proposed to building a 4-5 storey high building providing a new Business Enterprise Centre for the College Campus. This building would abut the northern elevation of the Armstrong Building.
- The proposed new building would have an overall width of 54 metres at its widest point.
- The western elevation fronting Lowland Recreation Ground would have an overall depth of 19.45m.
- The building would have a maximum height of 19.5 metres at 5 storeys and 16 metres at 4 storeys.
- The external façade of the building would be largely clad in composite rain screen cladding and LED lighting strips are proposed within the cladding joints. This is

shown to be red fade to the elevations fronting the station car park and Lowlands Recreation Ground. General lighting is also proposed around the building which would be white.

- The fenestration detail is shown to be recessed to provide articulation to the building.
- The southern elevation facing into the Campus site would be the main focal point comprising a central full height (4 storeys) glazed wall which is set back from the main façade and with horizontal louvered detail and overhanging canopy.
- The ground floor of the building would comprise the entrance lobby leading to the reception, lounge area and one stop shop. The western area of the building would comprise incubators, meetings rooms and WC facilities.
- The remaining floors would comprise conventional teaching rooms, break out areas and WC facilities.
- The fifth storey would mainly comprise the mechanical plant room for the building. The roof level would also comprise solar panels and ventilation ducting.
- As part of the redevelopment 11 trees would be removed and replaced on site with the same number. These would be predominantly located along the site boundary with the station car park and a section of the boundary with Lowlands Recreation Ground.

### **Revisions to Previous Application**

- n/a

### **Relevant History**

LBH/21341

2 Mobile Classrooms

Granted – 21/06/1982

LBH/26118

Application under reg.4 of t.& c.p. regs. 1976 alterations and three storey extension of lowlands vi form college with 3 mobile classrooms to provide tertiary college with parking

Granted - 13/09/1984

LBH/34911

Application under reg.4 of t.& c.p. gen.regs. 1976 two 2-storey buildings to provide teaching, ancillary, and social area's with additional car parking

Granted - 07/04/1988

LBH/35621

Application under reg 4 of t & c p gen regs 1976 retention of one mobile classroom and provision of three additional single storey mobile classrooms for limited period of six months

Granted - 26/05/1988

P/0708/08COU

Outline: redevelopment of part of harrow college site to provide flats in a range of 404 to 420 in five blocks rising to twelve storeys and basement, new access, basement car parking in a range of 202 to 210 spaces, cycle parking in a range of 404 to 420 spaces, associated open space and landscaping involving the retention of the white house, creation of new pedestrian streets and routes linked to a public square and reconfigured metropolitan open land & resident permit restricted

Refused – 04/07/2008

Reasons for Refusal:

1. The proposal represents an overdevelopment by reason of excessive mass and bulk to the detriment of the character of the area, contrary to Policies PPS 1 and 3 and S1 and D4 of the HUDP.
2. The proposal would have an adverse effect on the setting of the listed building and would not preserve or enhance the character and appearance of the adjoining Conservation Area and Area of Special Character, contrary to HUDP Policies D11 and D14.

P/2574/08

Retention of temporary classroom

Refused – 09/10/2008

Reason for Refusal:

1. The temporary classroom by reason of the provision of windows facing the rear garden of dwellinghouses in Grove Hill Road, gives rise to overlooking of these properties with a resultant loss of privacy and amenity, contrary to policy D4 of the Harrow Unitary Development Plan (2004).

P/3705/08

Retention of single storey portacabin (65m<sup>2</sup> floorspace) for a period of four years

Granted – 07/01/2009

**Pre-Application Discussion (Ref.)**

• **P/2904/13/PREAPP**

The principle of development is considered acceptable.

**Applicant Submission Documents**

- The applicant has submitted a Comprehensive Supporting Statement inclusive of a Design and Access Statement which covers the site, the use, the layout, the scale and views, the external works, the appearance and materials, a heritage statement, planning statement, secure by design, community involvement statement, sustainability statement, construction method statement and transport statement. These are briefly summarised as below:
  - This supporting statement concludes that upon assessing the impact upon the existing heritage assets, the proposal will not have a negative impact on the heritage assess and would have a slight positive impact.
  - The site is currently occupied by poor quality accommodation blocks with an ill defined sense of place, the additional of this block, enclosing the Harrow on the Hill campus will not only diffuse the noise and disturbance into the campus courtyard but aid in creating a modern, vibrant sense of arrival.
  - The development will improve the impression of the college and area in this location whilst supporting the business aspirations as contained within the AAP and CS.
  - The Enterprise Centre proposal will have no impact on the traffic and transport conditions surrounding the school.

**Consultations**

**Highways Authority:**

Any additional parking demand which may be generated would be minimal due to the extensive surrounding parking controls. Subject to appropriate conditions, the proposal is broadly acceptable in principle hence there is no objection.

### **Transport for London:**

No objections to the proposal subject to a condition requiring a detailed detail and method statement for all foundations, basement and ground floor structure, or for any other structures below ground level, including piling have been submitted and approved in writing.

### **CAAC (summarised):**

It is a hard, stark façade. The west elevation is what you will see from the Lowlands Road recreation ground which is an open green space. From there you will see silver and pink clad. It is very different from the existing. It is taller than the existing. It is a very big and bulky building. This proposal does not look inviting or pleasant. There is no indication of shadow. It is flat. It is made to look trendy in the images with lighting but in reality it will not look like this.

The proposed elevations, particularly the elevation onto Lowlands Recreation Ground make the building look more akin to an industrial mill with its random tall windows and vertically emphasized cladding panels.

The ground floor masonry walling and horizontal windows appear 'lost' and incongruous against the over-powering vertical cladding and fenestration above.

The elevations do not indicate the photovoltaic panels that are to be located on the roof giving a false impression of the height and appearance of the building.

The building is quite different in scale and character to other campus buildings and will have a negative impact upon the setting of the recreation ground, conservation area and the adjacent Grade II Listed building.

### **English Heritage**

Awaiting comments

### **Drainage Engineering Officer:**

No Objections subject to standard conditions

### **The Campaign For A Better Harrow Environment (summarised):**

No objections in principle but there are a number of concerns raised with current application

#### **1. Absence of basic information in the Supporting Statement**

- a) How many students reside in Harrow and how many come in from the adjacent boroughs of Barnet, Brent, Ealing and Hillingdon?
- b) What numbers of students come from a wider area including outside the UK?
- c) What are the College's own growth projections for student and staff numbers at each campus over the next 10 years?

#### **2. Lack of local consultation**

A number of additional interested individuals/organisations should be consulted and given the opportunity to comment, including:

The owners of the site at 19-51 College Road  
Harrow Baptist Church (who have plans to reconfigure their own site)  
English Heritage



Harrow Hill Trust  
CBHE

Local residents/ residents' associations (eg Roxborough Park Residents' Association)

Local businesses (including Spencer House in Grove Hill Road and those in College Road).

### **3. Size, appearance and location**

Proposal would appear as a solid block, no mention of the proposed signage on the building which could affect the buildings appearance. Concerns over the impact on Lowlands House and how the new building would sit with the old buildings. Concerns about how the proposed development would impact upon the redevelopment of the adjacent station car park. In particular if residential development is brought forward. The development of the car park is identified to bring forward much needed station access improvement works.

### **4. Heritage and views**

Concerns on the appearance of the new building adjacent to a Grade 2 listed buildings.

Consideration should be given to the impact of the development on the protected views to and from the Hill.

### **5. Sustainability**

New building should be designed to make best use of natural light and solar heat gain. Ait source heat pumps are inefficient when most needed and therefore ground source heat pumps should be used. Harvesting rain water should be explored.

### **6. Transport**

Inaccuracies in the supporting statement in reference to the walking distance from the station to the College Campuses. College students frequently park across drive ways and on private property in the surrounding streets to the inconvenience of local residents.

### **Advertisement**

Character of Conservation Area

Setting of Listed Building

Major Development

Posted: 09.01.2014

Expired 30.01.2014

### **Notifications**

Sent:85

Replies: 2

Expiry: 10.02.2014

### **Addresses Consulted**

Grove Hill Road: 1 (Old Stables), rear of No.1, 2 (inc. lower, middle, upper), 4 (inc. lower, upper flats), 6, 6a, 8, 8a, 10(inc. ground, upper flats), 11 (inc. Flats 1, 2, 3), 12 (inc. lower Flat), 12a, 13, 15, 17, 19, 21, 23, 23a, 29 (Spencer House – all floors)

Peterborough Road: 2, 4, 4-6 (all flats) 6, 8, 8a, 8b, 10, 12, 14, 16,18, 20, 20a, 22, 22a, 24,

Station Approach: Harrow on the Hill Underground Station, WH Smith, Hops on Platforms 3 and 4  
Lowlands Recreation Ground  
Tyburn Lane: Land Link House  
Station Road: 389, 391, 393, 395-397, 399, 401, 403, 405-407

### **Summary of Responses**

Unable to view the drawings on website - The local residents were invited to come to the Council to discuss and view the proposed drawings. Unfortunately local residents were not able to attend this meeting. However, all drawings are available on the website.

### **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.

On 11 October 2013, the Greater London Authority [GLA] published Revised Early Minor Alterations [REMA] to The London Plan 2011. From this date, the REMA are operative as formal alterations to The London Plan 2011 and therefore form part of the development plan for Harrow.

### **MAIN CONSIDERATIONS**

Principle of the Development  
Character and Appearance of the Area/ Setting of Listed Building/ Setting of Conservation Area/ Landscaping and Trees  
Residential Amenity  
Traffic and Parking  
Accessibility  
Sustainability  
Development and Flood Risk  
Land Contamination  
Equalities Impact  
S17 Crime & Disorder Act  
Environmental impact Assessment (EIA)  
Consultation Responses

### **Principle of the Development**

London Plan Policy 3.18C seeks to support development proposals which will enhance education and skills provision, including new build, expansion of existing facilities and

change of use to education purposes.

The application site is located within the Harrow Metropolitan Town Centre and is identified as an intensification area as set out in the Harrow Core Strategy (2012) and The London Plan (2011). The detailed area plan is set out in the adopted Harrow and Wealdstone Area Action Plan (AAP) (2013) and therefore any redevelopment and change of uses proposed within this area will be considered against the policies contained within AAP along side the adopted Development Management Policies Local Plan (DMP) (2013) and the overarching policies contained in the Harrow Core Strategy 2012 and The London Plan 2011.

The application site falls within the sub area of Harrow Town Centre Central as set out in the AAP. The subject site is not an allocated site as defined in the Site Allocations Local Plan (2013), however it is noted that the Harrow on the Hill Station Car park directly to the north of the site is defined as an opportunity site within the AAP.

There is no specific policy contained within the AAP that refers to education establishments, as primarily development within the intensification area comprises commercial and residential uses. However policy AAP16 relating to supporting the service sector in Harrow Town Centre does refer to new major community development and will support the development of such within the Harrow Town Centre subject to proposals being consistent with other relevant policies in the AAP, contributes to the delivery of the objectives of the Harrow Core Strategy and is conducive within the residential environment within and surrounding the town centre. More specific detailed policy set out under policy DM46 of the DMP will support the provision for new community, sport and education uses, on the proviso that such uses are located within the community that they intend to serve, are safe and located in an area of good public transport accessibility and that there would be no adverse impact on residential amenity or highway safety.

The education use of this site is established, there is no in principle objection to the extension of the existing education facilities, subject to detailed consideration as set out above.

Detailed consideration of these and other policy requirements and material considerations are undertaken in the sections below. The proposed new extension to Harrow College is considered to be acceptable as the proposed extension would provide modernised education facilities for the existing college.

### **Character and Appearance of the Area/ Setting of Listed Building/ Setting of Conservation Area/ Landscaping and Trees**

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.'

Policies AAP1 and AAP4 of the AAP seek a high standard of development within the Harrow Town Centre and throughout the Heart of Harrow. Policy AAP1 states that

development within all three sub areas of Harrow Town Centre will be required to strengthen its character, legibility and role as a Metropolitan Centre. Criterion A(a) of policy AAP seeks to ensure that development proposals conserve and enhance the significance of heritage assets, including their setting. This is also emphasised under policy 7.8 of The London Plan. Detailed consideration will also be made against policy DM7 of the DMP. Policy AAP6 sets out that development heights within the town centre should be in scale to the site surrounding area. Proposals for taller buildings above the prevailing height will need to be justified

Policy AAP8 seeks to enhance the setting of Harrow Hill and will seek to resist development proposals that would adversely affect the view of or from Harrow Hill and St. Mary's Church.

#### Design, Layout, Scale and Appearance.

The existing buildings on the college campus range from 1 to 3 storeys high, the main mass of buildings being located within the eastern and western sections of the site. The section of the site which would be developed is currently occupied by two storey temporary modular buildings that are of a poor quality. The state of the current buildings is most perceptible from within the station car park located to the north of the subject site and Lowlands Recreation Ground located to the west of the site. The site is also visible from the station platform and the buildings located along College Road. The existing building itself has very little architectural quality to the surrounding built form.

Whilst it is acknowledged that the proposed development would increase the height of the built form to 4/5 storeys high, it is considered that the overall height of the building is comparable with the scale of development that can be seen within the site and surrounding it. The vast majority of the building would be 4 storeys high and the roof height of this building would be at the same height as the ridge height of the 3 storey Armstrong building to which this proposed extension would link into. The 5<sup>th</sup> storey element would be sited towards the eastern section of the building and it would be set in from the northern elevation fronting the station car park. The building located on the corner of Grove Hill Road and the no entry access road to the station car park is 4 storeys high. Developments along Peterborough Road as seen in the backdrop to the station car park are up to 6 storeys high.

It is noted that concerns have been raised that the height of the building would intercept the views to St Mary's Church. However, the view of the church identified in the AAP show the view line to cut across Lowlands Recreation Ground. The possible future through view that is also shown in the AAP (Site 20) shows the view line to cut parallel across the Armstrong building which is already 3 storeys high. Furthermore this potential view is currently hindered by the old post office site on College Road which is also identified as an opportunity site in the AAP (site 17). Development height up to 10 storeys will be supported fronting the station within this opportunity site. On this basis, it is considered that the proposed building being at a height of 4 to 5 storeys high would have no impact upon the through views of the hill and St Mary's Church. The station platform and the car park are at a lower site level than the application site and as such there are no short views of the hill visible through the college itself due to the existing buildings on the college site.

The scale and layout of the building is therefore considered acceptable and would give rise to no conflict with the above stated policies.

It is noted that the palette of materials proposed would be modern in appearance. In particular the rain screen cladding which would be light in colour in comparison to the existing palette of materials evident on the existing buildings. The college has a range of buildings that are reflective of the time that they were constructed and there is no consistent design or appearance. The proposed modern building, whilst being simplistic in terms of its overall appearance would enhance the urban built form and provide a focal building at this end of the site, which the site currently lacks. It is considered that the proposed irregular fenestration and recessed detailing provides articulation to the building and together with the proposed coloured LED vertical strip lighting would provide visual interest to the surrounding area. In particular when seen from the station car park, the station platform and widely from the rear of College Road and the junction of Grove Hill and Peterborough Road. Other than the those coming and going from the underground station, this area at present is not a highly active pedestrian used area as it is a section of the site that is largely screened from the active street frontage of Lowlands Road. However, it is considered that the proposed modern design in this location would enhance the local area and would set a benchmark for future development that maybe forthcoming within the identified opportunity sites.

On the above basis, it is considered that the overall design and appearance of the proposed building would give rise to no conflict with the policies stated above.

#### Setting of the Conservation Area

The special interest of the Roxborough Park and the Grove Conservation Area is defined by the Conservation Area Appraisal and Management Strategy (CAAMS) as relating to its 'historic interest and a high quality of architecture throughout [including] mainly Victorian and Edwardian buildings providing a good variety of architectural styles... However, properties are united by their common scale, siting and use of high quality materials and similar features ...Public and private greenery also contributes greatly to the area's appearance. This helps soften the streetscene and provide an attractive setting for the architecture of the area. ...The open land is also an important characteristic as it marks a clear division between the relatively low density and historic development covering Harrow on the Hill and the higher density, more modern and commercial development in the centre of Harrow'.

The proposal will replace existing classrooms of a maximum of 3 storeys to the rear of the Harrow College site and is near other school buildings that do not exceed 3 storeys generally and at most are 4 storeys. It will face Lowlands Recreation Ground. This area is characterised by the CAAMS as: 'another area of green open space. However, this is set nearer to the Harrow town centre and is bounded on all sides by hard urban edges. To the east is the Metropolitan railway line, to the north west is a multi-storey car park, to the west is the busy Lowlands Road and to the south east is Harrow College. This, together with the lower level topography of the land, creates a far more enclosed character'.

In principle the urban style of the proposed building will therefore be in keeping with the urban style already found bounding Lowlands Recreation Ground. However, this building will add to that urban character more overtly given its height and solid block design whereas nearby development has some relief to their elevations and designs are generally smaller. However, on balance the proposal is acceptable since the overall height will generally be 4 storeys on the north side and the maximum height much the same as the Armstrong building that it will adjoin. Also, there will be plenty of soft landscaping between the building and the recreation ground which will help soften the

setting, which can be controlled by an appropriate condition.

### Setting of Listed Building

The list description of the Harrow College building listed on 25th May 1983 reads: 'Circa 1820 asymmetrical house, now a part of the school. Two-storeys. Stuccoed with slate roof. Simple projecting porch left with semi-circular arch. Lean-to glass house right. Sash windows with wing lights to first floor'.

Currently the existing buildings on site have respected the scale and prominence of the listed building by being of similar height and the taller ones set well back and not exceeding 3 storeys. This means the listed building remains a focal point on site albeit clearly surrounded by modern development. Figure 12 provided in the design and access statement suggests the new building will now be far more dominant in views towards the listed building which currently remains a focal point given the height of the neighbouring buildings. However, there is a good set away from the listed building (approximately 50 metres), and on balance, it seems likely that sufficient breathing space will be retained to ensure the setting of this building would be maintained.

### Landscaping and Trees

The proposal will involve the loss of 11 trees on the college site as whole, but these would be replaced a similar number of trees. The Council's Landscape Architect has raised no objection in principle to the proposed development, but has some concerns over the feasibility of the proposed locations for the trees. The Landscape Architect has advised that replacement tree planting and other forms of soft landscaping can be controlled by condition. On this basis, a condition is recommended.

### Boundary Treatment

A new 2.4m high Heras fencing in dark colour is proposed along the northern site boundary with the station car park. This would replace an existing 1.7m high fencing which is largely screened by overgrown shrubbery. Whilst it is noted that the height of the fencing would be significantly greater than the existing, it is considered that the overall appearance and height of the fence could be mitigated by appropriate soft landscaping to soften the overall appearance. Notwithstanding this, a condition is required to show further details and elevations of the proposed fencing to ensure its acceptability.

### Mechanical Plant and Solar Panels

The proposal seeks to install ventilation ducting horizontally along the roof of the new building and solar panels to the remaining roof area which would be set at an angle to the flat roof. Whilst from ground level these elements would not be readily viewed close to the building, it is considered that in long distance views away from the building the ventilation ducting and solar panels would be visible, especially from surrounding taller buildings. It is considered that whilst the location of the solar panels and ducting would in principle be considered acceptable, a condition is required to ensure the external finish of the ventilation ducts is appropriate and further details for the solar panels and the proposed support brackets are also required for this reason.

In conclusion, for the reasons outlined above and subject to the imposition of appropriate conditions, it is considered that the overall modern built form of the development would have no detrimental impact upon the character and appearance of the area or have any significant impact upon the settling of the listed building within the site or the adjoining conservation area. The proposal as such would not give rise to

conflict with the above stated policies.

### **Residential Amenity**

Policy 7.6B, subsection D, 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 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”.

The nearest residential properties are located to the east of the subject site and are sited approximately 50 metres from the proposed development. The 5 storey height of the proposed building would be largely buffered by the existing 3 storey extension and as such the proposal would give rise to no harm in terms of loss of light or outlook for the occupiers residing in Grove Hill Road. In addition to this, there are no windows proposed in the east flank elevation of the development and therefore there would be no loss of privacy.

Based on the above, the proposed development would not present any conflict with the above stated policies and accordingly the proposal is considered to be acceptable.

### **Traffic and Parking**

The NPPF sets out the overarching planning policies on the delivery of sustainable development through the planning system. It emphasises the importance of reducing the need to travel, and encouraging public transport provision to secure new sustainable patterns of transport use.

The London Plan (2011) Policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel, reduce trip lengths and encourage use of other, more sustainable means of travel. The Parking Addendum to Chapter 6 of The London Plan (2011) which has been updated following the Revised Early Minor Alterations [REMA] in October 2013 sets out maximum parking standards for new development dependant upon their use and level of public transport accessibility. It is noted that at supporting paragraph 6.35 of policy 6.9 (as updated in 2013), that where it has been demonstrated that it is not practicable to locate all cycle parking within the development site, developers should liaise with neighbouring premises and the local planning authority to identify potential for, and fund appropriate off-site visitor cycle parking. In all circumstances, long stay cycle parking should normally be provided on site.

Policy AAP 19 of the AAP seeks to limit on site car parking and development proposals to support the use of sustainable modes of transport, in particular in areas that have a high level of public transport accessibility. Policy AAP 20 (Harrow and Wealdstone Green Travel Plan) seeks to ensure that all major developments produce a site specific travel plan to demonstrate how the development would meet the wide Green Travel Plan provisions.

The application site is located within Harrow Metropolitan Centre, which has the highest PTAL rating. The proposed development will result in the loss of 10 parking spaces on site thereby leaving a provision of 47 spaces in total. The proposal would also increase the number cycle parking spaces on site in line with London Plan requirements.

The proposal would lead to an increase the number of students and staff on site by circa 170 and 40 respectively, which is attributable to the overall increase in the floor space within the new building. Whilst this would lead to a certain level of intensification on the site, it is considered that given the general age group of the students attending the college, most are likely to travel by public transport, as supported by the Travel Plan submitted with this application. In addition, the surrounding highway network is has stringent parking controls in place and therefore unlikely to increase parking demand on street.

In view of the above, it is considered that the proposed increase in student and staff numbers as a result of the proposed new building would give rise to no conflict with the above stated policies. Notwithstanding this, a condition is suggested to ensure that the construction phase of the development is carried out in accordance with the Construction Method Statement and a further condition is attached to ensure that the cycle parking is provided and brought into use prior to occupation of the proposed development.

### **Accessibility**

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 proposed building would include level threshold entrance and wheelchair accessible WC facilities on all floors. The uppers floors would also be served by a lift. In this regard the proposed development would give rise to no conflict with the above stated policies.

### **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. Policy 5.2A/B of The London Plan (2011) sets out the 'lean, clean, green' approach to sustainability, which is expanded in London Plan policies 5.3A, 5.7B, 5.9B/C, 5.10C and 5.11A. Harrow Council has adopted a Supplementary Planning Document on Sustainable Building Design (adopted May 2009). Policy AAP4 of the AAP requires development proposals to incorporate sustainable building design and layout. Policy 5.2B sets out a 40% target reduction for the period between 2013 and 2016.

The applicants have submitted a Sustainability Statement to support their application which sets out the measures that would be incorporated within the proposed building in order to achieve a sustainable design and reduce carbon dioxide emissions. Along side incorporating sustainable building design, the proposal would include the provision of solar panels and air Source heat pumps. Overall the design of the building will achieve circa 32% carbon dioxide reduction, which is short of the required 40%. The shortfall is due to the financial cost borne by the college, which itself is relying on external funding to finance the proposed development. However, when looked against the current state of the buildings, the proposed building would noticeably improve the situation on site and therefore on balance, it is considered that the shortfall in achieving a 40% target can be mitigated in this case.

On balance, it is considered that the proposal would have no significant conflict with the above policies to warrant a refusal.



## **Development and Flood Risk**

Policy DM9 of the DMP seeks to ensure that the risk of flooding on site and elsewhere is minimised in line with the guidance set out in the NPPF. Policy AAP9 of the AAP seeks where appropriate for new development proposals to manage the use of mains water and the control and reduction of surface water run off.

The application site is not located within a Flood Zone or a Critical Drainage Area as defined by the maps held by the Environment Agency and the Council's Strategic Flood Risk Assessment.

The applicant's Supporting Statement acknowledges that the existing drainage on the site is insufficient for the site and therefore as part of the proposed development, the current drainage system will be upgraded. The Council's Drainage Engineer has raised no objection to the proposed development subject to the imposition of conditions relating to surface water storage and attenuation. On this basis, the proposed development would not give rise to conflict with the above stated policies.

## **Land Contamination**

Policy DM15 of the DMP in relation to re-use of existing contaminated land, such as the subject site, will have regard to a) the findings of a preliminary land contamination risk assessment, b) the compatibility of the intended uses with the condition of the land and c) the environmental sensitivity of the site.

The subject site is not known for any land contamination; however, the applicants have undertaken a Phase 1 desk study to assess whether there is any likelihood of land contamination. This report concludes that the site is suitable for the proposed development, however, it recommends that the applicant undertake a Phase 2 investigation which will incorporate ground investigation for contaminate. Accordingly a condition is attached on this basis. Notwithstanding this, it is considered that the proposed development would not give rise to conflict with the above policy.

## **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. The equality impacts of this application have been assessed and have been found to be in conformity to Section 149.

## **S17 Crime & Disorder Act**

Policies 7.3.B and 7.13.B of The London Plan and policy AAP 4 of the AAP require all new developments to have regard to safety and the measures to reduce crime in the

design of development proposal.

The design of the building has incorporated Secure of Design Principles, as such the proposal is considered not to give rise to any conflict with regards to the above stated policies.

### **Environmental impact Assessment**

The development falls outside the thresholds set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (the Regulations) whereby an Environmental Impact Assessment may be required to accompany the planning application for the purposes of assessing the likely significant environmental effects of the development.

Schedule 2 paragraph 10(a) of the Regulations states that proposals for urban development projects of more than 0.5 hectares in area may require an Environment Impact Assessment (EIA). The application site area is 0.23 hectares and therefore the proposed development does not require an EIA.

### **Statement of Community Involvement**

The NPPF, Localism Act and the Council's Statement of Community Involvement encourage developers, in the case of major applications such as this to undertake public consultation exercise prior to submission of a formal application. Unfortunately the applicant did not undertake a public consultation exercise prior to the submission of this application. However, in their supporting statement it is stated that this will be undertaken post submission. Since the submission of this application, Harrow College have undertaken this exercise.

Whilst it is noted that the point of public consultation is to engage the local community within the development process prior to any formal submission, there is no recourse within the legislation to impose applicants to undertake public consultation prior to submission of a formal application. It is unfortunate that in this case public consultation had not been undertaken prior to the submission of this application; however, this has not prejudiced anyone in making comments on the formal application. As stated above, Harrow College did undertake a public consultation after the submission of this application.

### **Consultation Responses**

With regards to the local residents not being able to view the drawings, the local residents were invited to come to the Council to discuss and view the proposed drawings. Unfortunately local residents were not able to attend this meeting. However, all drawings are available on the website.

With regards to the consultation comments received from The Campaign For Better Harrow Environment:

1. The applicant has provided the project uplift in student and staff numbers as a result of the proposed development. Details such as how many students come from adjacent boroughs, the wider areas including outside the UK and would the projected growth is for the College are not material considerations for the purposes of this particular application.
2. All relevant consultation have been undertaken to include English Heritage, Transport for London, Harrow on the Hill Underground Station, Network Rail, Green Hill Residents Association, all adjoining residents and relevant other neighbouring

properties. Properties along College are not physically attached to the application site and in line with the Council's adopted Statement of Community Involvement, only those properties that are physically attached to the site need to be consulted. Any wider consultation would be dependant on the nature of the proposal. In this case, College Road is sited in excess of some 70m from the application site and separated by the railway lines. Similarly the Church is sited some distance from the subject site.

3. Matters relating to the site, appearance and location have been addressed in the above report.

4. Matters relating to Heritage and views have been addressed in the above report.

5. Sustainability has been addressed in the above report.

6. Matters relating to Transport have been addressed above. The applicant has provided an updated Travel Plan which is available to view on the website.

With regards to the consultation comments received from Transport for London – it is not possible to attach the suggested condition as this specifically relates to matters which would normally fall under Party Wall Act, though an informative is recommended.

## **CONCLUSION**

The proposed development would replace existing modular buildings on the site which are of poor quality. Whilst it is noted that the replacement building would be greater in scale than the existing two storey structures, it is considered that overall, the modern design of the building would enhance the built form of the site. Furthermore, the building would provide a focal point at this location which would be observed from nearby land uses. The proposal would be sufficiently set away from the listed building located within the Harrow College grounds and the proposal would preserve the setting of the adjoining Conservation Area. The proposal would have no undue detrimental impact upon nearby residential amenities of properties situated on Grove Hill Road.

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, The Harrow and Wealdstone Area Action Plan 2013 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 Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not commence beyond damp proof course level 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. facing materials for the building

b. windows

c. boundary fencing

d. ground surfacing

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 in accordance with policy 7.4B of The London Plan 2011, Core Policy CS.1B of the Harrow Core Strategy 2012 and

policies AAP1 and AAP4 of the Harrow and Wealdstone Area Action Plan 2013.

3 Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not commence beyond damp proof course level until details including materials for the mechanical ventilation system 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 thereafter retained in that form.

REASON: The details submitted do not provide sufficient information in relation to appearance of the plant and therefore such details are required to safeguard the appearance of the locality in accordance with policy 7.4B of The London Plan 2011, Core Policy CS.1B of the Harrow Core Strategy 2012 and policy AAP4 of the Harrow and Wealdstone Area Action Plan 2013.

4 Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not commence beyond damp proof course level until details including cross sections for the proposed photovoltaic panels and associated support brackets 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 thereafter retained in that form.

REASON: The details submitted do not provide sufficient details in relation to appearance photovoltaic panels and the development, and therefore such details are required to safeguard the appearance of the locality in accordance with policy 7.4B of The London Plan 2011, Core Policy CS.1B of the Harrow Core Strategy 2012 and policy AAP4 of the Harrow and Wealdstone Area Action Plan 2013.

5 Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not be occupied until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: The submitted drawings show very limited soft landscaping and further variety of soft landscaping is required to enhance the appearance of the building and the locality in accordance with policy 7.4B of The London Plan 2011, Core Policy CS.1B of the Harrow Core Strategy 2012 and policy AAP4 of the Harrow and Wealdstone Area Action Plan 2013.

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance of the locality in accordance with policy 7.4B of The London Plan 2011, Core Policy CS.1B of the Harrow Core Strategy 2012 and policy AAP4 of the Harrow and Wealdstone Area Action Plan 2013.

7 The development shall be completed in accordance with the approved Construction Method Statement. The approved statement shall be adhered to throughout the construction period.

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 policy AAP19 of the Harrow and Wealdstone Area Action Plan 2013.

8 The development of any buildings hereby permitted shall not be commenced until the disposal of surface water and surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The 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 AAP9 of the Harrow and Wealdstone Area Action Plan 2013.

9 The approved development shall not be occupied until the cycle parking has been provided in accordance with the approved drawings and shall thereafter be 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 policies 6.9 and 6.13 of The London Plan 2011 and policy AAP19 of the Harrow and Wealdstone Area Action Plan 2013.

10 No site works or development shall commence until details of the levels of the building, road and footpath 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. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

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 in accordance with policy AAP19 of the Harrow and Wealdstone Area Action Plan 2013.

11 No development approved by this planning permission 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:

1) A site investigation scheme, based on the approved Geoenvironmental Report-Phase 1 Site Appraisal (Desk Study) Dated December 2013, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) 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.

3) 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 the sensitive groundwater beneath the site, in light of the soil contamination revealed. In accordance with Policy DM15 of the Development Management Plan Local Policies 2013.

12 Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not commence beyond damp proof course level until details of the external lighting to the building and the site have been submitted to, and approved in

writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality in accordance with policy 7.4B of The London Plan 2011, Core Policy CS.1B of the Harrow Core Strategy 2012 and policies AAP1 and AAP4 of the Harrow and Wealdstone Area Action Plan 2013.

13 The development hereby permitted shall be carried out in accordance with the following approved plans and documents, and details approved as required by the conditions attached above:

Harrow College BREEAM document dated May 2013; Phase 1 Site Appraisal (Desk Study) Dated December 2013; JR4993 D:01; Tree Schedule; Utility Mapping Survey (Ref: 58344); EX(90)01 REV 1; PL(20)00 REV 6; PL(20)01 REV 6; PL(20)02 REV 6; PL(20)03 REV 6; PL(20)04 REV 7; PL(27)01 REV 3; SE(20)01 REV 3; EL(20)04 REV 1; SP(90)01 REV 3; SP(90)02 REV1; SP(90)03 REV 1; EL (20)03 REV 7; Supporting Statement Version 02 February 2014; Travel Plan February 2014

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) including Revised Early Minor Alterations to The London Plan 2013:

Policies 3.18, 5.1,5.2, 5.3, 5.7, 5.9, 5.10, 5.12, 6.3, 6.9, 6.13, 7.1, 7.2, 7.3, 7.4, 7.6, 7.8, 7.13

The Harrow Core Strategy (2012)

Core Policies CS 1

Harrow and Wealdstone Area Action Plan (2013)

AAP1, AAP4, AAP8, AAP9, AAP16, AAP19, AAP20

Development Management Policies Local Plan (2013)

Policies DM1, DM2, DM10, DM12, DM15, DM22, DM23, DM42, DM46

Supplementary Planning Document – Access for All (2006)

## **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](mailto: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 without pre-application advice

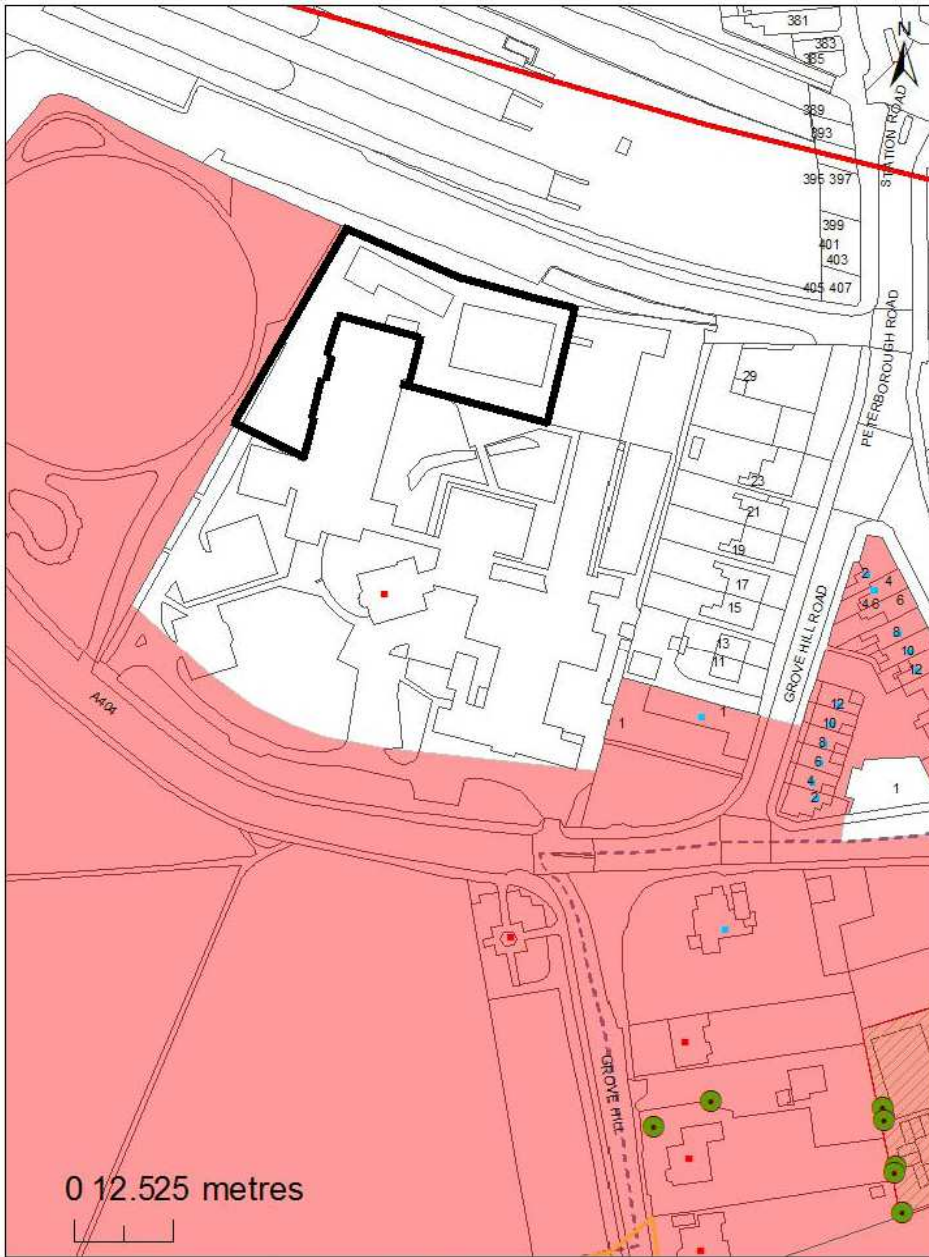
Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

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.

6 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting

Plan Nos: Harrow College BREEAM document dated May 2013; Phase 1 Site Appraisal (Desk Study) Dated December 2013; JR4993 D:01; Tree Schedule; Utility Mapping Survey (Ref: 58344); EX(90)01 REV 1; PL(20)00 REV 6; PL(20)01 REV 6; PL(20)02 REV 6; PL(20)03 REV 6; PL(20)04 REV 7; PL(27)01 REV 3; SE(20)01 REV 3; EL(20)04 REV 1; SP(90)01 REV 3; SP(90)02 REV 1; SP(90)03 REV 1; EL (20)03 REV 7; Supporting Statement Version 02 February 2014; Travel Plan February 2014

# HARROW COLLEGE, LOWLANDS ROAD, HARROW



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised Reproduction infringes Crown Copyright and may lead to prosecutions or civil proceedings. London Borough of Harrow LA.100019206. 2011. DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2010)





## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No: 2/01  
Address: 125 NORMAN CRESCENT, PINNER  
Reference: P/3973/13  
Description: SINGLE STOREY FRONT EXTENSION INCORPORATING PORCH, SINGLE STOREY REAR EXTENSION; CONVERSION OF GARAGE INTO HABITABLE ROOM AND FORMATION OF FRONT BAY WINDOW  
Ward: PINNER  
Applicant: MR SUBHASH PATEL  
Agent: BCCONSULTANTS  
Case Officer: DAVID BUCKLEY  
Expiry Date: 13/02/2014

### RECOMMENDATION

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

### INFORMATION:

This application is reported to committee as the applicant is an employee of the Council. The determination of this application therefore falls outside of Proviso C to Part 1 of the Scheme of Delegation.

**Statutory Return Type:** 21: Householder development

**Council Interest:** None

**Gross Floorspace (Ground Floor):** 94.49 sq m

**Net additional Floorspace:** 13.65 sq m

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** N/A, as proposed development will add less than 100 sq m to the property.

**Harrow CIL:** N/A, as the proposed development will add less than 100 sq m to the property.

### Site Description

- The application site comprises a detached two storey dwellinghouse located on the northern side of Norman Crescent.

- The dwellinghouses in the immediate area comprise detached and semi-detached houses.
- A number of other dwellinghouses in the immediate area have prominent front porches, including some of houses of a similar design to the application dwellinghouse.
- The application site is not located within a conservation area, nor is it a listed building.

### **Proposal Details**

- It is proposed to demolish the existing front porch and build a larger porch that will be level with the front wall of the existing garage. The slope of the roofline of the porch will match that of the main house.
- It is also proposed to convert the existing garage in to a habitable room and add a small bay window to the front elevation.
- A single storey rear infill extension is also proposed, which will have a pitched glazed roof and will sit level with the existing flank wall and rear wall of the main house.
- The porch would be 3.25m in height to the crown roof, with an eaves height of 2.60m and would extend 2.20m from the main front wall.
- The proposed bay window would extend 0.40m in depth from the current front wall of the garage area and would be 1.35m in width.
- The rear infill extension would have a depth of 3.38m, a width of 3.68m, with an eaves height of 2.65m and a full height of 3.50m.

### **Revisions to Previous Application**

- N/A

### **Relevant History**

- None

### **Pre-Application Discussion (Ref.)**

- None

### **Applicant Submission Documents**

- N/A

### **Consultations**

- The Pinner Association: No response received.

### **Advertisement**

N/A

### **Notifications**

Sent: 5

Replies: 0

Expiry: 23/01/2014

### **Addresses Consulted**

123 Norman Crescent, Pinner, HA5 3QJ

32 Buckland Rise, Pinner, HA5 3QS

33 Buckland Rise, Pinner, HA5 3QS

129 Norman Crescent, Pinner, HA5 3QJ

## 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.

On 11 October 2013, the Greater London Authority [GLA] published Revised Early Minor Alterations [REMA] to The London Plan 2011. From this date, the REMA are operative as formal alterations to The London Plan 2011 and therefore form part of the development plan for Harrow.

### MAIN CONSIDERATIONS

Character and Appearance of the Area  
Residential Amenity  
Traffic and Parking  
Equalities Impact  
S17 Crime & Disorder Act  
Consultation Responses

#### 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".

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.

In the wider streetscene, a number of dwellinghouses of a similar design have converted their garage in to a habitable room with a new window installed to the front elevation. There are a variety of styles of houses on the street, including semi-detached and detached houses. A number of these have prominent front extensions, with a variety pitched and flat roofs.

In terms of the site context, the site is on a slope; the neighbouring property at No. 123, which is higher on the slope, has a large front extension/porch. The neighbouring property down the slope at No. 127 has a front garage matching that of the application site that extends approximately 1m further forward.

The design of the front porch would reflect the appearance of the original dwellinghouse; the new front porch would be level with the front elevation of the existing garage. Furthermore, the proposed pitched roof at the front would resemble that of the main roof reflecting the character of the existing house and would be subordinate in scale, in accordance with paragraph 6.8 of the adopted SPD.

The bay window to the converted garage would be relatively small and would not extend further than the existing garage of the adjacent neighbour at No. 127, it would not project significantly forward of the existing building line of the garage and would not link in to the new front porch.

In this context it is considered that the front porch and bay window would not be dominant or overbearing and would be in keeping with the character of the streetscene in accordance with paragraphs 6.6 and 6.35 of the adopted SPD.

The single storey rear infill extension would not be visible from the street and would be proportionate in scale to the main house, in accordance with the adopted SPD.

In summary, the proposal would comply with the provisions and objectives of policies 7.4B and 7.6.B of the London Plan (2011), policy CS1.B of the Harrow Core Strategy (2012), Policy DM1 of the Harrow Development Management Policies (2013) and the adopted SPD: Residential Design Guide (2010).

### **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”.

The proposed single storey rear infill extension does not extend beyond the existing rear wall on the western side and therefore the neighbour that would potentially be affected would be the adjacent neighbour to the east, at No. 127. The proposed rear extension would not have windows to the flank wall adjacent to neighbouring boundaries; therefore it is considered that it would not lead to an unreasonable degree of overlooking or loss of privacy to neighbouring properties, in accordance with paragraph 6.20 of the adopted SPD. While there is glazing to the roof, this would be at a high enough level to avoid overlooking.

There is a window to a habitable room on the main rear elevation and the rear elevation of the rear protrusion at No. 127, and this dwellinghouse is located at a slightly lower level due to the slope. However, the single storey rear extension is in compliance with the

adopted SPD in depth and height and is modest in terms of its scale. Furthermore, it aligns with the existing side and rear walls of the original house. Therefore it is considered that it would not lead to an unreasonable degree of loss of light or outlook in accordance with paragraph 6.25 of the adopted SPD.

The proposed front porch is similar in scale to the existing front porch; it would not extend beyond the building line of the garage and would therefore only be prominent from the side adjacent to No. 123. This neighbour is set at a higher level and has a larger front extension with no flank windows. Therefore it is considered that the front porch would not lead to an unreasonable loss of amenity to this neighbour in accordance with the adopted SPD.

The proposed conversion of the garage in to a habitable room and formation of the bay window would be visible from No. 123, but due to the distance from the bay window to the boundary and the slope on the site, there would not be an unreasonable loss of amenity to this neighbour.

The bay window would be adjacent to No. 127; however, the window would be modest in size and located adjacent to the garage at No. 127, rather than a habitable room. Furthermore, it would roughly align with the front wall of the garage. Therefore it is considered that the garage conversion and bay window would not lead to an unreasonable loss of amenity to No. 127 either in terms of loss of privacy or in terms of loss of light and outlook, in accordance with paragraphs 6.20 and 6.25 of the adopted SPD, respectively.

In summary, it is considered that the proposal would not have unreasonable impacts on neighbouring amenity in terms of privacy, outlook or overshadowing, in compliance with policies 7.4B and 7.6.B of the London Plan (2011), policy CS1.B of the Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies (2013) and the adopted SPD: Residential Design Guide (2010).

### **Traffic and Parking**

Part of the garage has already been converted to a study and the proposal would remove the remainder of the garage to be converted to a room. A minimum driveway depth of 4.8m should be retained to allow sufficient parking space (paragraph 6.35). The forecourt would retain parking space for one vehicle. The number of parking spaces that would be retained would be in accordance with the maximum parking standards set out under policy 6.13 of the London Plan (2011). On this basis, the proposal would give rise to no conflicts with policy DM 42 of the DMP or the London Plan policy 6.13.

### **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.

### **S17 Crime & Disorder Act**

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

### **Consultation Responses**

N/A

### **CONCLUSION**

The proposed development has not been found to negatively impact the character and appearance of the property and the area. Furthermore, the proposed development has not been found to have an unacceptably harmful effect on the amenity of the neighbouring occupiers.

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. Appropriate conditions have been attached to ensure that the amenity and privacy of the neighbouring occupiers is safeguarded in the future.

### **CONDITIONS**

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

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

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

REASON: To match the appearance of the original dwelling and to safeguard the appearance of the locality to comply with core policy CS 1B of the Harrow Core Strategy 2012 and policy DM 1 of the Development Management Policies Local Plan 2013.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s) shall be installed in the flank elevations of the developments hereby permitted other than those shown on the approved plans, 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.

4 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block Plan; 125NrmC/13/01; 125NrmC/13/02; 125NrmC/13/03; 125NrmC/13/04.

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 and Revised Early Minor Alterations [REMA] to The London Plan 2011 (2013)**

7.4B Local Character

7.6B Architecture

#### **Harrow Core Strategy (2012):**

Policy CS 1B

#### **Development Management Policies Local Plan 2013**

Policy DM 1 Achieving a High Standard of Development

#### **Supplementary Guidance/ Documents**

Supplementary Planning Document: Residential Design Guide (2010)

#### **2 INFORM23\_M - 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.

(Include on all permissions involving building works where they could affect a public highway)

#### **3 INFORM32\_M - The Party Wall etc Act 1996**

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](mailto:communities@twoten.com)

(updated 28.3.07)

#### **4 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 has a pre-application advice service and actively

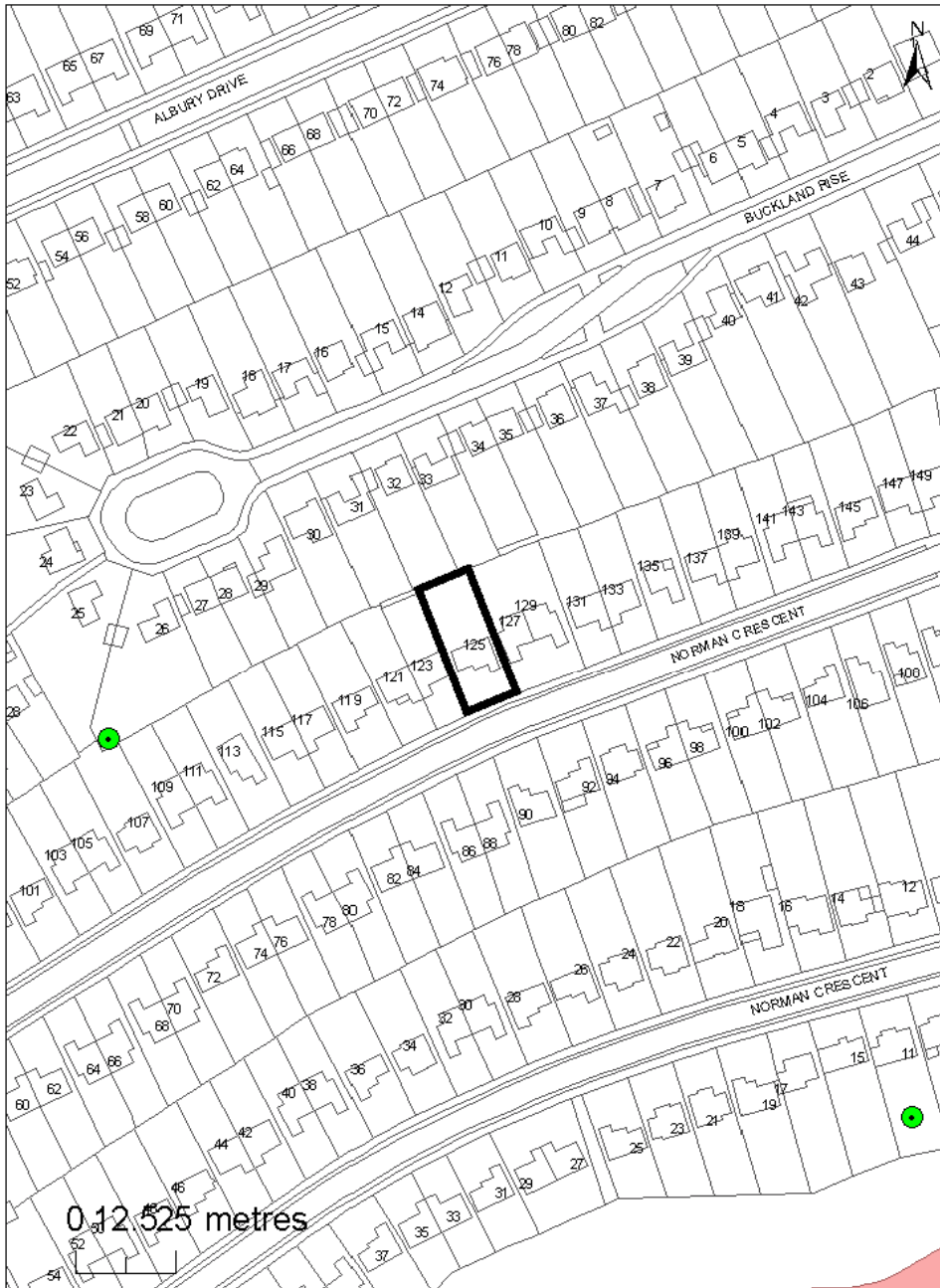
encourages applicants to use this service.

Please note this for future reference prior to submitting any future planning applications.

Plan Nos: Location Plan; Block Plan; 125NrmC/13/01; 125NrmC/13/02; 125NrmC/13/03;  
125NrmC/13/04.



# 125 NORMAN CRESCENT, PINNER



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecutions or civil proceedings. London Borough of Harrow LA.100019206. 2011. DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2010)



Item No: 2/02  
Address: STORE REAR OF 59 HAVELOCK ROAD, HARROW  
Reference: P/3463/13  
Description: CHANGE OF USE FROM SKIP STORAGE HIRE (SUI GENERIS)  
TO OPEN AIR CAR STORAGE (USE CLASS B8)  
(RETROSPECTIVE APPLICATION)  
Ward: WEALDSTONE  
Applicant: MR BASSEL AFFOURY  
Agent: JON FISZPAN DESIGN  
Case Officer: CALLUM SAYERS  
Expiry Date: 07/01/2014

## **RECOMMENDATION**

**GRANT** permission subject to conditions:

### **REASON**

The development as a result of its appropriate location, scale and design would not harm the character of the existing area, and subject to safeguarding conditions would not harm the living conditions of neighbouring residential properties by way of unreasonable levels of noise and disturbance. 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, policies DM1 and DM42 the Development Management Policies Local Plan 2013.

### **INFORMATION**

The application is reported to the Planning Committee under Proviso D of the Council's Scheme of Delegation, as the site exceeds 0.1ha of land.

### **INFORMATION:**

Statutory Return Type: Change of Use  
Council Interest: None  
Gross Floorspace: N/A  
Net Additional Floorspace: 0sqm  
GLA Community Infrastructure (CIL) Contribution: N/A

### **Site Description**

- The subject site is located on the northern side of Havelock Road near its cul-de-sac end and its pedestrian access to Cecil Road.
- The application site is surrounded by residential properties.
- The site is also within the Council's adopted Intensification Area, which is subject to an adopted Area Action Plan.

### **Proposal Details**

- The application seeks planning permission to change the use of the site from Skip Storage Hire (Use Class Sui Generis), to an Open Air Car Storage (Use Class B8).
- The use would operate Monday to Friday between 10.00 and 18.30, Saturdays 10.00 to 18.00, and Sunday and Bank Holidays 10.00 to 17.00.
- It is not proposed to make any external alterations to the premises.
- Access to the premises would continue from the existing access location onto Havelock Road.

### **Relevant Planning History**

LBH/506/1

Erection of Garage

Grant: 10/11/1965

### **Pre-Application Discussion (Ref.**

- N/A

### **Applicants Submission Documents**

- N/A

### **Consultations**

Highways Authority – No Objection

Policy & Research – No Objections

Site Notice (General): 5<sup>th</sup> December 2013

### **Notifications**

Sent: 47

Replies: 5

Object: 4

Support: 1

Expiry: 11/12/2013

### **Neighbours Consulted:**

55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75 Wellington Road, Harrow, HA3 5SD

48, 50, 52, 54, 56, 58A, 58, 60, 64, 66 Cecil Road, Harrow, HA3 5RA

36, 38, 40, 42, 44, 46, 48, 48a Havelock Road, Harrow, HA3 5SA

37, 39, 39a, 41, 43, 45, 45a, 45b, 47, 49, 51, 53, 55, 57, 59, 59a, 59b, Havelock Road, Harrow, HA3 5SB

### **Summary of Response(s) Objecting:**

- The previous use of the site as a Skip Lorry Park was completely inappropriate.
- Excessive amount of cars exiting and entering the site.
- Large car transporters accessing the site which are too large for the residential street.
- Increase in noise from car transporters.
- Increase in noise and disturbance from car movements and doors slamming.
- Operators yelling on mobile phones
- Late night car deliveries
- Portacabin been erected with direct line of sight into kitchen window of adjoining residential property.
- The use of the property would create an eyesore.

- Inappropriate to operate on Sundays and Bank Holidays.
- Increase in crime within the area.
- Operating a valeting service, car repairs within the site and selling vehicles.
- Increase in coming and goings at all hours every day of the week.
- Loss of privacy
- Increase in rubbish
- Blocking existing right of way
- Driving over pedestrian area at top of Havelock Road.
- Fire risk of cars parked at site.

**Summary of Response(s) Support:**

- Havelock Road is unsuitable for the previous use at the site (Skip Storage) because of the Lorries using the site.
- Since the change of use from a skip storage there has been an improvement in the appearance of the site.
- Decrease in the amount of noise generated from the site.

**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, published Revised Early Minor Alterations [REMA] to 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 Change of Use
- Character and Appearance of the Area
- Neighbours Amenity/Traffic and Parking
- Equalities
- S17 Crime & Disorder Act
- Consultation Responses

**Principle of Change of Use**

The application site is currently being operated as an open air car storage site. However, it was noted on a site visit to the property that there were no vehicles being stored on the site at that time. The previous use of the site was as a skip storage hire facility (Use Class Sui Generis). There are no specific policies protecting such a use class nor is the area designated as a formal industrial use site. However, The Core Strategy policy CS1B requires new development that would harm the character of

suburban areas to be resisted.

Policy AAP3 of the Harrow & Wealdstone Area Action Plan (2013) states that within the Wealdstone West sub area, proposals should support the strategic employment function of the area and help to nurture existing and new uses, seeking creative non-residential re-use of industrial sites where possible. The proposed change of use would seek to continue the employment use of the site and provide further B use class to the boroughs stock of industrial land.

The lawful use of the site is as a skip storage hire facility, and as such the applicant could lawfully operate such a business from the site. The use of the site was investigated in 2008 by the Planning Enforcement Department. The outcome of this investigation was that the property had been in use as a skip storage hire for 10 years prior to that date. As the business had been in use for a period of 10 years, then enforcement action was not possible. It is noted that the previous use of the site would have resulted in heavy vehicles entering and exiting the site, and storage of multiple containers on the site. As such the comings and going may be relatively similar to what is being proposed under the current scheme.

The development is therefore considered to not conflict with the policy objectives of the Harrow & Wealdstone Area Action Plan (2013).

#### **Character and Appearance of the Area,**

Policy DM1 of the Harrow Development Management Local Policies Plan 2013 (DMP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. Policy DM1 reflects policies 7.4.B and 7.6.B of The London Plan 2011 and policy CS1.B of the Harrow Core Strategy 2012 which seek to ensure that development respects local character and enhances the public realm. The NPPF and policy 7.8.C/D/E of The London Plan 2011 set out similar aims.

It is not proposed to alter the existing premises in terms adding any permanent structures.

The property would be used for the storage of cars on the site. This would result in the coming and going of vehicles to the property and also the ongoing change in appearance of the site depending on the amount of vehicles that are being stored at the property at anyone time. However, this would be of a similar use of the site as the previously lawful use of the property for skip storage hire.

It is therefore considered, notwithstanding the comments received, that the proposed change of use would not result in a demonstrably different use of the site that would lead to unacceptable harm to the character and appearance of the surrounding area therefore complying with policies 7.4B and 7.6B of The London Plan (2011), policy DM1 of the Harrow Development Management Local Policies Plan 2013.

#### **Neighbours Amenity/Traffic and Parking**

Policy DM1 of the Harrow Development Management Policies Local Plan (2013) requires all new development to have regard to the impact of proposed uses and activities upon noise, including hours of operation, vibration, dust, air quality and light pollution.

### Neighbouring Amenity

It is noted that a number of comments have been received with regard to the impact of the open air car storage (Use Class B8), whereby concern over the amount of comings and goings from the site and the nature of the vehicles using the site has been raised. However, it must be taken into consideration that the authorised use of the site is as skip storage hire, which would generate a certain level of vehicle movements. It is also important to note that following an enforcement investigation into the skip storage hire use, it was determined that it had been in operation for 10 years and as such it was immune from enforcement action. This also meant that the Local Planning Authority was powerless to impose planning conditions to safeguard the amenities of the surrounding residents. This planning application gives the Council the opportunity to introduce conditions to control the opening hours and delivery times. It is considered that this would represent an improvement to the lawful situation whereby no such controls are possible.

Comments have been received with regard to the use of the property at unsociable hours. This includes the use of the property and deliveries being received at hours that are unreasonable with the surrounding residential nature of the area. It is considered that an unfettered use of the site to operate from and also to receive deliveries may lead to unacceptable impact on adjoining residential occupiers, especially when it has been noted that late evening deliveries have taken place previously. However, it is considered that the hours of operation of the site and when deliveries are able to be received at the site are able to be controlled by an appropriately worded condition. Subject to such conditions, it is considered that the use of the property as an open air car storage site (Use Class B8), would not unacceptably harm the amenity of neighbouring properties, and would generally accord with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

### Traffic and Parking

This retrospective change of use from a skip storage hire (use Class Sui Generis) to open air car storage (Use Class B8) is not considered to raise any immediate concerns as the B8 activity is relatively dormant and arguably less intrusive in noise terms as compared to skip collection and drop offs. The location is extensively covered by a controlled parking zone hence there is no envisaged undesirable displacement likely to occur onto the highway. It is therefore considered that the change of use would not unacceptably harm the safety and free flow of the public highway, and as such would accord with policy 6.13 of the London Plan 2011, policy AAP3 of the Area Action Plan (2013) and policy DM42 of the Harrow Development Management Policies Local Plan (2013).

### **Equalities**

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 not considered that there are any equality impacts as part of this application.

### **S17 Crime & Disorder Act**

It is considered that 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).

### **Consultation Responses**

- The previous use of the site as a Skip Lorry Park was completely inappropriate.  
*Previous use was unauthorised. However, after an enforcement investigation it was determined that the use had been in operation for 10 years (1998 – 2008) and as such immune from enforcement action.*
- Excessive amount of cars exiting and entering the site.  
*The property would be used as an open air car storage site.*
- Large car transporters accessing the site which are too large for the residential street.  
*No legislation to prevent large vehicles using a residential street.*
- Increase in noise from car transporters.  
*There would be some increase in noise from the car transporters. However, the baseline must be taken from the authorised use of the site, which is skip storage hire.*
- Increase in noise and disturbance from car movements and doors slamming.  
*There would be some increase in noise from the car transporters. However, the baseline must be taken from the authorised use of the site, which is skip storage hire.*
- Operators yelling on mobile phones  
*Not a material planning consideration.*
- Late night car deliveries  
*Addressed under Section 3 of the above appraisal*
- Portacabin been erected with direct line of sight into kitchen window of adjoining residential property.  
*The current application seeks the retrospective permission for the change of use from Skip Storage Hire (Sui Generis) to Open Air Car Storage (Use Class B8) and not for any built structures. Any built structure will require planning permission or may be subject to further enforcement investigation.*
- The use of the property would create an eyesore.  
*Addressed under Section 2 of the above appraisal*
- Inappropriate to operate on Sundays and Bank Holidays.  
*Addressed under Section 3 of the above appraisal*

- Increase in crime within the area.  
*There is no evidence to suggest that the use of the property as an open air car storage (Use Class B8) would lead to an increase in crime in the area.*
- Operating a valeting service, car repairs within the site and selling vehicles.  
*The current application is for a change of use from Skip Storage Hire (Use Class Sui Generis) to Open air Car Storage (Use Class B8). A Valeting business would result in a material change of use to the site and would require planning permission. Any valeting business operating from site may be subject to formal enforcement action.*
- Increase in coming and goings at all hours every day of the week.  
*Addressed under Section 3 of the above appraisal*
- Loss of privacy  
*Addressed under Section 3 of the above appraisal*
- Increase in rubbish  
*Increase in rubbish is not a material planning consideration. However, should the site become untidy then enforcement action for untidy land may be considered.*
- Blocking existing right of way  
*This is not a material planning consideration. Illegal parking should be reported to London Borough of Harrow Parking Enforcement Department.*
- Driving over pedestrian area at top of Havelock Road.  
*This is not a material planning consideration. Illegal parking should be reported to London Borough of Harrow Parking Enforcement Department or the Police.*
- Fire risk of cars parked at site.  
*This is not a material planning consideration.*

## **CONCLUSION**

The change of use of the site would, subject to appropriate safeguarding conditions, ensure that the character and amenity of the area would be maintained. Furthermore, the scheme would not be unacceptably harmful to the amenity of neighbouring occupiers.

For these reasons, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant.

## **CONDITIONS:**

1 The use hereby permitted shall only be open and operational within the following hours:

- a) 10.00 and 18.30 Mondays to Friday
- b) 10.00 and 18.00 Saturdays
- c) Closed on Sundays and Bank Holidays;

REASON: To safeguard the amenity of neighbouring occupiers, thereby according with



policy DM1 of the Harrow Development Management Policies Local Plan 2013.

2 The use hereby permitted shall not receive deliveries outside of the following times without the prior written permission of the Local Planning Authority: -

- a) 10.00 to 17.00 hours, Monday to Saturday,
- b) No deliveries on Sundays and Bank Holidays.

REASON: To safeguard the amenity of neighbouring occupiers, thereby according with policy DM1 of the Harrow Development Management Policies Local Plan 2013.

3 The premises shall only be used for the open air storage of cars, as specified in the application [Class B8] and for no other purpose, including any other purpose in Class B 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 enable the Council to assess any change of use would potentially impact on the amenities of neighbouring residential properties to the north of the site, car parking and servicing of the site against policies DM1 of the Harrow Development Management Policies Local Plan (2013).

4 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan

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

#### **INFORMATIVES:**

##### 1 INFORMATIVE:

The following polices are relevant to this decision.

National Planning Policy Framework 2012

The London Plan 2011: 6.13.C/D, 7.2, 7.4.

The Harrow Core Strategy: CS1. B, CS2.A/L.

Development Plan Document: Harrow & Wealdstone Area Action Plan Policy AAP3, AAP15.

Harrow Development Management Plan Policies (2013) DM1, DM42

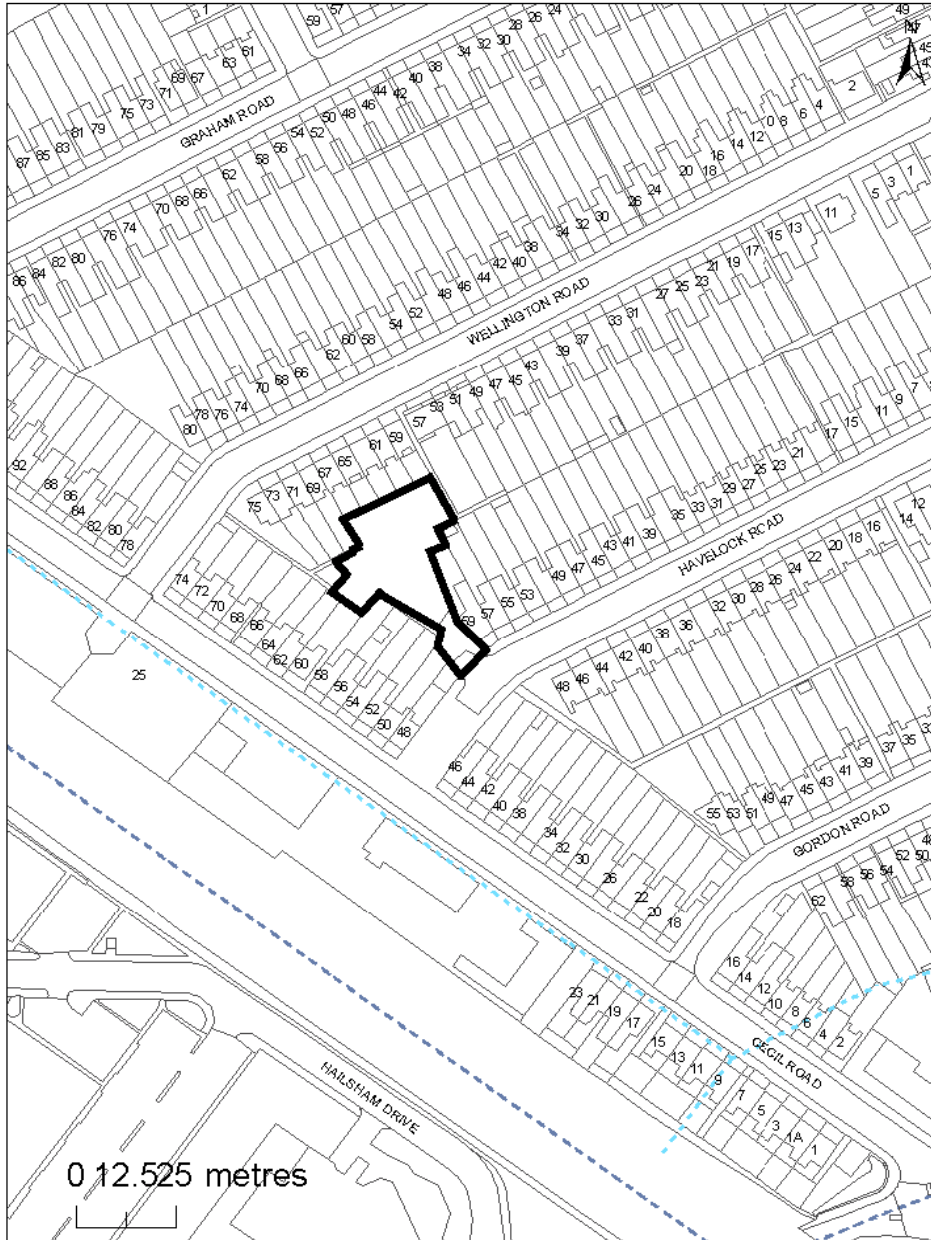
2 Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)"

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 The planning permission hereby granted allows a change of use of the site from Sui Generis to B8 only. It does not grant permission for any external works or buildings.

Plan Nos: Location Plan

**LAND REAR OF 59 HAVELOCK ROAD, HARROW**



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecutions or civil proceedings. London Borough of Harrow LA.100019206. 2011. DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2010)



Item No: 2/03  
Address: MONTESOLES PLAYING FIELDS, UXBRIDGE ROAD, PINNER  
Reference: P/2452/13  
Description: CHANGE OF USE OF FORMER PAVILION TO CHILDREN'S DAY NURSERY AND COMMUNITY HALL (USE CLASS D1); SINGLE STOREY EXTENSION TO NORTHERN ELEVATION OF THE EXISTING PAVILION; RAISED DECKING TO THE SOUTHERN ELEVATION; ACCESS RAMP AND STEPS TO NEW NORTHERN ELEVATION; EXTERNAL ALTERATIONS; NEW BOUNDARY FENCING; LANDSCAPING AND REFUSE STORE; REFURBISHMENT OF FORMER PUBLIC CONVENIENCES TO PROVIDE CHANGING ROOMS AND TOILETS  
Ward: PINNER  
Applicant: LITTLE RACCOONS NURSERY LTD  
Agent: AKT PLANNING + ARCHITECTURE  
Case Officer: SUSHILA BHANDARI  
Expiry Date: 11/11/2013

## **RECOMMENDATION**

Under Regulation 4 of the Town and Country Planning General Regulations 1992:

**GRANT** planning permission for the development described in the application and submitted plans subject to conditions:

Regulation 4 applications are applications for planning permission to develop land of an interested planning authority where the authority do not intend to develop the land themselves or jointly with any person.

## **REASON**

The proposed change of use of the existing pavilion building to a day nursery and community hall (use class D1) would enable the retrofitting of the existing redundant building and to bring a viable use of this building. Whilst the proposal would result in some loss of grassed area that forms part of the Montesoles Playing Fields, the intended use would in some regard make better use of the southern end of the playing fields which is currently under utilised given its limited area and proximity to the main road. It is considered that use of the pavilion building as primarily a day nursery with community hall provision would support the overall function of the playing fields.

The applicant is also seeking to refurbish the redundant public convenience building to provide changing rooms and toilets for the use of the playing fields.

There have been no significant objections to the proposals put forward and the proposal would have no undue impact upon residential amenities of the surrounding properties. The proposed refurbishment works and the extension and external alterations to the pavilion building would enhance the streetscape in this locality. 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 the Council is the Landowner and the proposal is more than 100 square metres.

**Statutory Return Type:** Minor Development

**Council Interest:** Council owned buildings and playing fields

**Gross Floorspace:** 364.74 sqm (Including the Public Convenience Building)

**Net additional Floorspace:** 73.5 sqm (Including the Public Convenience Building)

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** The Mayor of London Charging Schedule (February 2012) outlines that CIL will not be payable where "Development is used wholly or mainly for the provision of education as a school or college under the Education Acts or as an institution of higher education".

**Harrow CIL:** NIL

## **Site Description**

- The application site forms the southern corner of Montesoles Playing Fields comprising a site area of approximately 0.329ha.
- The site includes a single storey pavilion building which is not in use and in a dilapidated condition. It also includes a single storey former public convenience building which is also in poor condition and the car parking area for the public open space.
- Montesoles Playing Fields is a designated open space as defined in the Harrow Local Plan- Policies Map.
- The playing field comprises a total of three ancillary buildings including the subject buildings forming part of this application. There is play equipment located within the eastern section of the playing fields.
- The west site boundary is bounded by residential development comprising a mix of flats and houses.
- The southern to eastern boundary is bounded by Uxbridge Road which is a borough Distributor Road.
- The eastern to northern boundary is largely screened with dense vegetation.
- Part of the western boundary and the northern boundary of the playing fields is designated as a site of Importance for Nature Conservation.

### **Proposal Details**

- The application proposes the change of use of the existing pavilion to a day nursery and community hall (use class D1)
- The proposal also includes a single storey in-fill extension to the northern side of the existing pavilion, raised decking to the southern side of the building, new access ramp and steps to the northern elevation of the building, external alteration to the building including new windows and external cladding.
- The new nursery building and outdoor play around would be enclosed by 2m high metal rail fencing.
- The proposal also includes the refurbishment of the former public convenience building to provide new changing rooms and WC facilities for the playing fields.

### **Revisions to Previous Application**

Following the previous withdrawn application (P/2045/11) the following amendments have been made:

- The proposal now seeks a mixed use of the building as a nursery and community hall, whereas under the previous application the proposal was for the change of use of part of the pavilion to a community hall with the remaining pavilion being updated. The community use proposed involved festival days/ nights.

### **Relevant History**

HAR/4469– Erection - new pavilion  
Granted – 14/02/1951

HAR/4469/A - Erection sports pavilion  
Granted - 05/02/1954

HAR/4469/C - Continued use of sports pavilion  
Granted – 14/08/1961

LBH/2897 - Extension to cricket pavilion  
Granted - 07/02/1968

LBH/2897/1 - Continued use of sports pavilion  
Granted – 06/05/1968

LBH/2897/3 - Use of pavilion for children's playgroup  
Granted – 24/01/1972

LBH/2897/4 - Use of pavilion for childrens playgroup  
Granted – 03/04/1973

LBH/2897/5 - Continued use of ext. To cricket pavilion  
Granted – 24/07/1975

LBH/14638 - Erection of 12ft. High wire mesh fence  
Granted – 19/04/1979

P/2045/11 - Part change of use of pavilion to a community hall (class d1); new entrances, windows and doors to front and rear elevations; alterations to existing pavilion change rooms

## **Pre-Application Discussion (Ref.)**

- **None**

## **Applicant Submission Documents**

- Design and Access Statement (summarised as follows):
  - The proposal to bring the building back into use by a nursery, which would be used by the local community and is complimentary to the community use of the playing fields, and is considered to be a very positive proposal.
  - The proposed external cladding works to the pavilion will give the building a more contemporary and vibrant appearance and give the building a positive identity.
  - The proposed renovation and conversion of the former public convenience building to provide public changing rooms and toilets will also give the building a new use, providing users of the playing fields with a new facility.
  - The proposed changes of use and development is considered to be a significant enhancement to the Montesoles Playing Fields and would bring investment, employment and use to the two buildings.
  - The proposed uses would meet community and childcare needs for the local area and encourage and enhance the use of the playing fields generally.
  - The proposals address relevant planning issues and the application is considered to be acceptable and in accordance with relevant development plan policy.

## **Consultations**

### **Sport England:**

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.”

Reason: Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

The application proposes the change of the pavilion to children’s day nursery and

community hall (use class D1). The pavilion was originally granted permission on the basis that it provides an ancillary facility to the main function of the playing field, providing supporting changing accommodation such that the playing field and pitches would be more attractive and usable by the community. This current application is the resubmission of application ref: P/2045/11, submitted back in 2011. Sport England objected to the previous application on the basis that the pavilion was originally considered to be ancillary to the principal use of the site as a playing field and its loss would have a detrimental impact on the playing field.

However it is noted that the current application proposes to refurbish the existing public convenience block to provide compensatory changing and toilet provision to offset the loss of provision associated with the current application. This is a positive step forward and given Sport England's comments previously, this is a welcomed addition to the scheme. However, Sport England requests that details of the internal refurbishment works are submitted as part of this current application in order that they can be assessed to establish if they are fit for purpose. Alternatively, and in the spirit of helpfulness Sport England would consider the matter can be dealt with by planning condition.

This being the case, Sport England does not wish to raise an objection to this application, strictly subject to the following condition(s) being attached to the decision notice (if the Council are minded to approve the application). However, please note that if your Authority decides not to attach the above condition(s), Sport England would wish to maintain/lodge a **statutory objection** to this application. Should your Authority be minded to approve this application without the above condition(s), then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit.

#### **Conditions:**

***1. No development shall commence until details of the details of the design and layout of the proposed changing/toilet block are have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The changing/toilet block shall not be constructed other than substantially in accordance with the approved details.***

***2. The Children's Day Nursery And Community Hall shall not be occupied until the changing/toilet block is constructed and made available for use***

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

#### **Highways Authority**

- Based on the scale of use of the D1 nursery & community use, the aspect of traffic generation is not of major concern as originally hinted at by myself. The T.S. demonstrates this satisfactorily. A site management plan (SMP) would however be required under planning condition to ensure efficient operation of the community use aspect.
- The main issue as raised before is related to generated parking. It would seem that the 10 staff allocated to the nursery use are likely to drive to this address given the low PTAL hence we may see 10 staff vehicles parked within the public car park

throughout the day. This would leave somewhere in the region of 15 spaces for other users of the park. It is however accepted that nursery related 'drop off's & pick up's are short term in nature and therefore unlikely to prevent use of the remaining 15 spaces on a longer term basis. It is also accepted that once the Travel Plan (to be conditioned) comes in play there may be an overall reduction in 'single occupancy' staff car usage with the application of car sharing, cycling etc to and from the site. This would potentially reduce the anticipated 10 vehicles taking up the car park which is of course encouraged as it releases more space for other regular users of the park itself. Hence on balance this is encouraging.

- The predicted community use is considered fair in quantum terms hence it is unlikely that significant parking displacement would occur if this use coincides with football/cricket matches etc. As mentioned earlier a SMP is required to best control such community activities.

So in broad terms the applicant has now provided enough information to support the proposal hence any potential additional burden that may be imposed on the highway network is not envisaged to be significant enough to bring forward a sustainable and defensible refusal reason on this basis.

The following planning conditions would however need to be applied:-

- Travel Plan
- Cycle parking
- Site management plan
- Construction logistics plan
- Servicing/delivery plan

#### Landscape Architect

Some tree planting should be provided within the site to provide some structure to the landscape, shade and softening to the building. The use of climbing plants to soften the building and contribute to the biodiversity should be considered.

If you are minded to approve this application, I have no objections and the following Hard and Soft Landscape Conditions would be required:

Landscaping to be approved

Landscaping Scheme Implementation including a period of 5 years for replacements of soft landscape

Landscape Maintenance Schedule

Boundary Treatment

Levels

#### **Advertisement**

Departure from the Development Plan

General Notification

Posted: 10.10.2013

Expires: 31.10.2013

#### **Notifications**

Sent: 99

Replies: 1

Expiry: 26.10.2013



## **Addresses Consulted**

Flats 1 to 12 Montesoles Court, Pinner Hill Road  
1, 2, 3, 4, 5, 7, 7a Pinner Hill Road  
Flats 1 to 36 Maple Court, 9 Pinner Hill Road  
1 to 4 Tudor House, 12 Pinner Hill Road  
2, 2a, 4, 4a Pinner Green  
1 to 8 (consecutive) and 34 to 38(consecutive) Antoneys Close  
45 Elm Park Road  
653, 655, 657, 659, 661 Uxbridge Road

## **Summary of Responses**

- Support the change, but concerns over the access route as it becomes very congested when cricket and football events happen.
- Could it be considered moving the entrance so that it can be accessed via Uxbridge Road where there is currently a lay-by.

## **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.

On 11 October 2013, the Greater London Authority [GLA] published Revised Early Minor Alterations [REMA] to The London Plan 2011. From this date, the REMA are operative as formal alterations to The London Plan 2011 and therefore form part of the development plan for Harrow.

## **MAIN CONSIDERATIONS**

Principle of the Development/ Loss of Open Space  
Character and Appearance of the Area  
Residential Amenity  
Traffic and Parking  
Impact on Site of Importance for Nature Conservation  
Accessibility  
Equalities Impact  
S17 Crime & Disorder Act  
Consultation Responses

### **Principle of the Development**

Paragraph 47 of the National Planning Policy Framework 2012 (NPPF) resists development on existing open space, sports and recreational buildings and land,

including playing fields unless it has been demonstrated that the open space, buildings or land are surplus to requirements, or that the loss resulting from the proposed development would be replaced by an equivalent or better provision or the development is for an alternative sports and recreational provision.

Policy CS 1F of the Harrow Core Strategy (2012) supports the NPPF in that it seeks to resist inappropriate development on existing open spaces.

Policy DM 18 of the DMP seeks to protect the open spaces in line with the above policies. Criterion A of this policy states that land that is identified as open space on the Harrow Policies Maps will not be released for Development. Criterion D goes on to state that proposals that would secure the future of existing ancillary buildings on open space will be supported where (a) there would be no loss for the proper functioning of the open space and (b) there would be no harm to the quality or proper functioning of the open space as a result of the proposal. Criterion E of Policy DM 18 sets out that any proposal that would be harmful to the open space will be refused and Criterion F sets out that any proposals for inappropriate change of use of open space will be resisted.

As the proposal is for the provision of a new community/ education facility, policy DM46 would apply, which will support the use of an existing premises for community, sport and education uses, subject to that such uses are located within the community that they intend to serve, are safe and located in an area of good public transport accessibility and there would be no adverse impact on residential amenity or highway safety.

In assessing the principle of the proposed change of use of the pavilion building to a day nursery and community hall, it is noted that the pavilion has been vacant for a number of years and it is in a state of disrepair. There is a pavilion building located to the north west of the subject site, which is currently used by the Pinner Cricket Club. Given that the playing field is served by an alternative pavilion and the subject pavilion has been vacant for a number of years, it is considered that arguably the subject pavilion building is surplus to requirement and the loss of this building would have no detrimental impact upon the proper functioning of the open space. In addition to this, the proposal would include refurbishment of the former public convenience building located within the southern most corner of the site to provide new changing rooms and WC facilities which would be managed by the Council and provide additional facilities to support the functioning of the open space.

Whilst it is noted that a small area of land located to the south of the pavilion would be cordoned off from the open space to provide a secure outdoor play area for the children of the proposed nursery, it is considered that the area that is to be cordoned off would not impact upon the overall function of the open space, given that the area in question is itself underutilised due to its position located to the southern corner in relation to the overall playing field and its relation to the pavilion building subject of this application.

Overall, it is considered that the change of use of the pavilion would have a negligible impact upon the proper functioning of the open space as a playing field nor would it result in the loss of space that would be practically be used for outdoors sports such as football or cricket. Conversely, the proposal would encourage more people to visit the playing field as there is potential to link trips to the park and collection of children from the nursery, especially during summer months which would aid the functioning of the playing field and the open space. In addition to this, Sport England has raised no objection to the proposed change of use, subject to conditions requiring details to be submitted for the

design and layout of the proposed changing/ toilet block and a condition requiring that the proposed nursery use is not brought into use until the changing/ toilet block is constructed and made available to use.

The proposal would include a small infill extension to the north of the building which would infill the area directly under the overhanging canopy of the existing building and a raised terrace is proposed to the south of the building. The proposed extension would not result in the loss of any open space as it would be sited on the existing hard surfaced area below the overhanging canopy. The proposed raised terrace at the rear would have limited impact upon the open space as it still would be used for outdoor play purposes. The proposed refurbishment works to the public convenience building would have no impact on the open space as it would not involve any increase in the floor area of the building.

In conclusion, it is considered that for the reasons outlined above the proposed change of use would have a negligible impact upon the functioning of the open space and would provide an appropriate community use in this locality and as such the proposal would give rise to no conflict with the policies stated above.

### **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."

The proposed single storey infill extension to the pavilion would be modest in scale and would face on to the open space and as such this aspect of the proposal would have no undue impact upon the character and appearance of the host building or the locality. The proposed external cladding of the building in Aluminium composite panels (Pearl White colour) would be modern in appearance in comparison to the predominant brick build buildings within the immediate vicinity of the site. However, it is considered that the modern appearance of the building, given its single storey height would be an improvement upon the existing appearance of the building and proposed landscaping of the external play area will soften the overall appearance of the building within the streetscene along Uxbridge Road. The proposed external ramp, new fenestration detail and raised terrace along the southern side of the building would have minimal impact upon the character and appearance of the area and as such these aspects of the proposal are considered to be acceptable.

The proposal seeks to section off the new nursery grounds from the open space by a 2 metre high metal fencing and a laurel hedge behind the railings to soften the overall appearance of the boundary treatment. It is considered that the style of fencing proposed together with the mitigation soft landscape works would be an acceptable form of boundary treatment in this location and would provide a secure form of development for

the future users of the site. Subject to a condition requiring that the planting of the laurel hedging is carried out in accordance with the approved drawings, it is considered that, in principle, the overall design and appearance of the boundary treatment would not have an undue impact upon the character and appearance of the wider open space. However a condition is attached to requiring further details for the specification and colour of the proposed boundary fencing. A further condition is also attached requiring a more detailed landscape plan for the site in order to enhance the overall appearance of the development. A condition is also attached requiring further details for the new refuse store.

The proposed refurbishment works to the former public convenience building would involve minor external alterations to the fenestration detail to the building and as such the proposed works are considered to be of a minor scale and of no consequence to the overall character and appearance of the building.

Based on the above factors, it is considered that the proposed development would have no undue impact upon the character and appearance of the open space or the wider locality and would give rise to no conflict with the above stated policies.

### **Residential Amenity**

Policy 7.6B, subsection D, 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.

With regards to the proposed extension and refurbishment works associated with the new nursery they would have no undue impact upon the residential amenities of nearby neighbouring occupiers as the existing building is sited at least 30 metres from the nearest residential boundary attached to Montesoles Court. Therefore the proposed development would have no impact upon nearby residents in terms of loss of light, outlook or privacy.

The proposed use of the building as a nursery would be operated from Mondays to Fridays and would be open from 7.30am to 6.30pm. The nursery would have the capacity to accommodate up to 40 children at any one time and up to 10 members of staff. Whilst it is noted that there would be some noise and disturbance associated with the proposed use as a nursery in terms of comings and goings by parents and children, however, the level associated would be for short periods of time and most likely to be around peak periods. The residents within the vicinity are already exposed to high level of traffic noise in the area and the level of disturbance is unlikely to be to an extent that would amount to significant levels of disturbance or activity that would be detrimental to the nearby occupiers. Furthermore, there is already a level of noise and disturbance associated with the existing playing fields on this basis, the proposed change of use is unlikely to have unreasonable impact.

In terms of the proposed use of the building as a community hall, it is noted that in the applicants Design and Access statement that proposed hall would be available to hire during evening and weekends up to 11.00pm and would be managed by the applicant. Whilst it is acknowledged that the late night hire could raise concerns in terms of comings and goings, it is considered that appropriate conditions could be imposed to ensure firstly the operating times are reduced to 10pm on Sundays to Thursdays to ensure that there are no unreasonable disturbance on days that would normally be regarded as the

working week and Sunday. Secondly a condition would be attached to ensure that there is no music amplified from the premises in order to ensure that there is no noise disturbance to nearby residents.

With regard to the proposed refurbishment of the former public convenience building, to provide new changing and WC facilities, this aspect of the proposal would have minimal impact upon the amenities of neighbouring occupiers, given that the building would have a similar use to its former use,

On the above basis, it is considered that the proposed development, subject to use of appropriate conditions would have no impact upon the residential amenities of the neighbouring occupiers.

### **Traffic and Parking**

The NPPF sets out the overarching planning policies on the delivery of sustainable development through the planning system. It emphasises the importance of reducing the need to travel, and encouraging public transport provision to secure new sustainable patterns of transport use.

The London Plan (2011) Policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel, reduce trip lengths and encourage use of other, more sustainable means of travel. The Parking Addendum to Chapter 6 of The London Plan (2011) which has been updated following the Revised Early Minor Alterations [REMA] in October 2013 sets out maximum parking standards for new development dependant upon their use and level of public transport accessibility.

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 Council' Highway Authority initially raised an objection to the proposed change of use on grounds that in the absence of a full Traffic Assessment the proposal given its poor accessibility to public transport would most likely result in staff fully utilising free public car park which in turn would give rise to undesirable displacement of parking onto the access road and Pinner Hill Road. In addition, to this applicant had failed to provide detailed information in relation to the proposed community use of the site in particular the level of patronage anticipated to use the site.

Following on from the above objection, the applicant has now provided a full detailed Traffic Assessment Report (TA) by a qualified Transportation Consultant. The Council's Highway Authority have reviewed this TA and are satisfied that subject to a site management plan the proposal would not lead to a significant traffic generation as originally anticipated. TA indicates that the 10 nursery staff are most likely to utilise the free parking spaces, which would leave in region of 15 spaces available for other users of the park. Whilst there would be additional spaces occupiers during period of 'drop offs' and 'pick ups', such activity would be short term in nature and therefore unlikely to have a detrimental impact in terms of overall available parking provision. Furthermore, the 10 parking spaces anticipated to be used by staff could be further rationalised by the implementation of a Travel Plan which could reduced single occupancy staff car usage and encourage cycling to and from work.

With regards to the proposed community hall use of the site, the supporting Transport

Assessment provides some indication of likely impact on parking quantum. The Council's Highway Authority is satisfied that there would be no significant parking displacement if the community hall use coincides with other events held at the playing fields.

In conclusion, it is considered that subject to appropriate conditions to include a site management plan, a travel plan, provision of secure cycle storage in line with London Plan requirement, a servicing/ delivery plan and a construction logistic plan, the proposed change of use would have no conflict with the above stated policies.

### **Impact on Site of Importance for Nature Conservation**

Policies DM20 and DM21 of the DMP seeks to ensure the protection and enhancement of Biodiversity and access to nature. The subject site itself is not sited within a designated site of importance for nature conservation (SINC), although part of the western and northern site boundary of the playing field is located within a SINC. There are significant species of trees that would be affected by the proposed works. In this regard, it is considered that the proposal would give rise to no conflict with the above policies.

### **Accessibility**

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

The proposal change of use and extension would also include a new access ramp to the building which would meet the aspirations of the above policies. Internally, the proposed main building and the new changing facilities would both incorporate disabled WC provision. On this basis, it is considered that the proposed development would be in accordance with the above stated policies.

### **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. The equality impacts of this application have been assessed and have been found to be in conformity to Section 149.

### **S17 Crime & Disorder Act**

Policies 7.3.B and 7.13.B of The London Plan and policy DM1 of the DMP 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. The proposed day nursery and community hall would be cordoned off from the remaining open space by a 2m high fencing which would provide a secure facility for the future users of this site.

### **Consultation Responses**

- Could it be considered moving the entrance so that it can be accessed via Uxbridge Road where there is currently a lay-by – **Uxbridge Road is a busy London Distributor Road and therefore any access from this point could give rise to safety implications given the intended uses. It is considered that the most appropriate form of access would be from the existing access point of Pinner Hill Road.**

### **CONCLUSION**

The proposed change of use of the existing pavilion building to a day nursery and community hall (use class D1) would enable the retrofitting of the existing redundant building and to bring a viable use of this building. Whilst the proposal would result in some loss of grassed area that forms part of the Montesoles Playing Fields, the intended use would in some regard make better use of the southern end of the playing fields which is currently under utilised given its limited area and proximity to the main road. It is considered that use of the pavilion building as primarily a day nursery with community hall provision would support the overall function of the playing fields.

The applicant is also seeking to refurbish the redundant public convenience building to provide changing rooms and toilets for the use of the playing fields.

There have been no significant objections to the proposals put forward and the proposal would have no undue impact upon residential amenities of the surrounding properties. The proposed refurbishment works and the extension and external alterations to the pavilion building would enhance the streetscape in this locality. 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 Notwithstanding the details shown on the approved drawings, the development relating to the proposed nursery/ community hall building 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. facing materials for the building
- b. windows
- c. boundary fencing

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 in accordance with policy 7.4B of The London Plan 2011, Core Policy CS.1B of the Harrow Core Strategy 2012 and policy

3 The materials to be used in the refurbishment of the former public convenience building hereby permitted shall match those used in the existing building.

REASON: To match the appearance of the original dwelling and to safeguard the appearance of the locality in accordance with policy 7.4B of The London Plan 2011, Core Policy CS.1B 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 there has been submitted to, and approved in writing by, the local planning authority, a scheme of hard and soft landscape works. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: The submitted drawings show very limited soft landscaping and further variety of soft landscaping is required to enhance the appearance of the building and the locality in accordance with policy 7.4B of The London Plan 2011, Core Policy CS.1B of the Harrow Core Strategy 2012 and policies DM1 and DM23 of the Harrow Development Management Policies Local Plan 2013.

5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance of the locality in accordance with policy 7.4B of The London Plan 2011, Core Policy CS.1B of the Harrow Core Strategy 2012 and policies DM1 and DM23 of the Harrow Development Management Policies Local Plan 2013.

6 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.

7 The development relating to the day nursery and community hall hereby permitted shall not be brought into use, until there has been submitted to, and approved in writing by, the



local planning authority details of the facilities for the provision of 6 No. secure parking of bicycles. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure the delivery of a sustainable development which seeks to minimise travel by private car, in accordance with policy 6.9 of The London Plan 2011 and policy DM42 of the Harrow Development Management Policies Local Plan 2013.

8 The use of the Day Nursery and Community Hall premises hereby permitted shall not commence until an interim 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 interim travel plan have been implemented in accordance with the approved details.

Following occupation of the site, the applicant will provide a full travel plan within 6 months from the date of the first occupation outlining further measures and targets. The use shall be implemented in accordance with the details submitted for the full travel plan within 3 months from the date of such approval and shall thereafter be 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 policies 6.9 and 6.13 of The London Plan 2011 and policy DM42 of the Harrow Development Management Policies Local Plan 2013.

9 The development relating to the day nursery and community hall hereby permitted shall not be brought into use, until there has been submitted to, and approved in writing by, the local planning authority a site management plan. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To manage the impact of the development upon the local area during its occupation 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.

10 Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not commence until details including materials for the proposed refuse store 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 thereafter retained in that form.

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

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

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

12 Notwithstanding the details shown on the approved drawings, the development hereby approved shall not commence until details including specifications for the design and layout of the proposed new changing block has 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 in that form.

REASON: To ensure that suitable facilities are provided to support the functioning of the open space in accordance with policy DM18 of the Harrow Development Management Policies Local Plan 2013.

13 The Day Nursery and Community Hall shall not be occupied until the all works associated with the changing block have been completed in accordance with the approved details and is made available for use.

REASON: To ensure that suitable facilities are provided to support the functioning of the open space in accordance with policy DM18 of the Harrow Development Management Policies Local Plan 2013.

14 The premises shall be only be used for the purposes specified on the application as a Day Nursery and Community Hall only and for no other purpose, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or 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 the character of the locality and in the interests of highway safety in accordance with policies DM1, DM42 and DM46 of the Harrow Development Management Policies Local Plan 2013.

15 The use hereby permitted shall only be open for use between the following times:-

- a: The Day Nursery - 07.30 hours to 18.30 hours, Monday to Friday inclusive,
  - b: The Community Hall - 09.00.hours to 10.00 hours, Sundays to Thursday Inclusive
  - c: The Community Hall – 09.00 hours to 11.00 hours Fridays and Saturdays
- without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents against unacceptable levels of disturbance in accordance with policy DM1 of the Harrow Development Management Policies Local Plan 2013.

16 The number of children with regard to the Day Nursery within the premises shall not exceed 40 at any time and the number of staff within the premises shall not exceed 10 at any time.

REASON: To ensure that the use of the site is not over intensive and to permit an assessment of the children/staff numbers in the future in light of the circumstances then prevailing as a measure to ensure that disturbance/disruption to the neighbouring residential properties is kept to a minimum in order in accordance with policy DM1 of the Harrow Development Management Policies Local Plan 2013.

17 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.

18 The development hereby permitted shall be carried out in accordance with the following approved plans and documents, and details approved as required by the conditions attached above:

Unnumbered CGI Image; Planning, Design and Access Statement; LR/070/PL08 REV P1; PAVI/2013/01; PAVI/2013/02; PAVI/2013/03; PAVI/2013/04; PAVI/2013/05; PAVI/2013/06; PAVI/2013/07; PAVI/2013/08; PAVI/2013/09; Transport Statement (Ref: ITR/4435/TS4 – Dated January 2014)

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

## **INFORMATIVES**

1 The following policies and documentation were taken into consideration:

National Planning Policy Framework (2012)

The London Plan (2011) including Revised Early Minor Alterations to The London Plan 2013:

Policies 6.9B, 6.13C, 7.2C, 7.3B, 7.4B, 7.6B, 7.13

Harrow Core Strategy (2012)

Core Policy CS1.B/ F/ G/ R

Harrow Development Management Development Plan Document (2013)

Policies DM1, DM2, DM16, DM17, DM18, DM20, DM21, DM22, DM42, DM46

Site Allocations Local Plan (SALP) 2013

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:

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

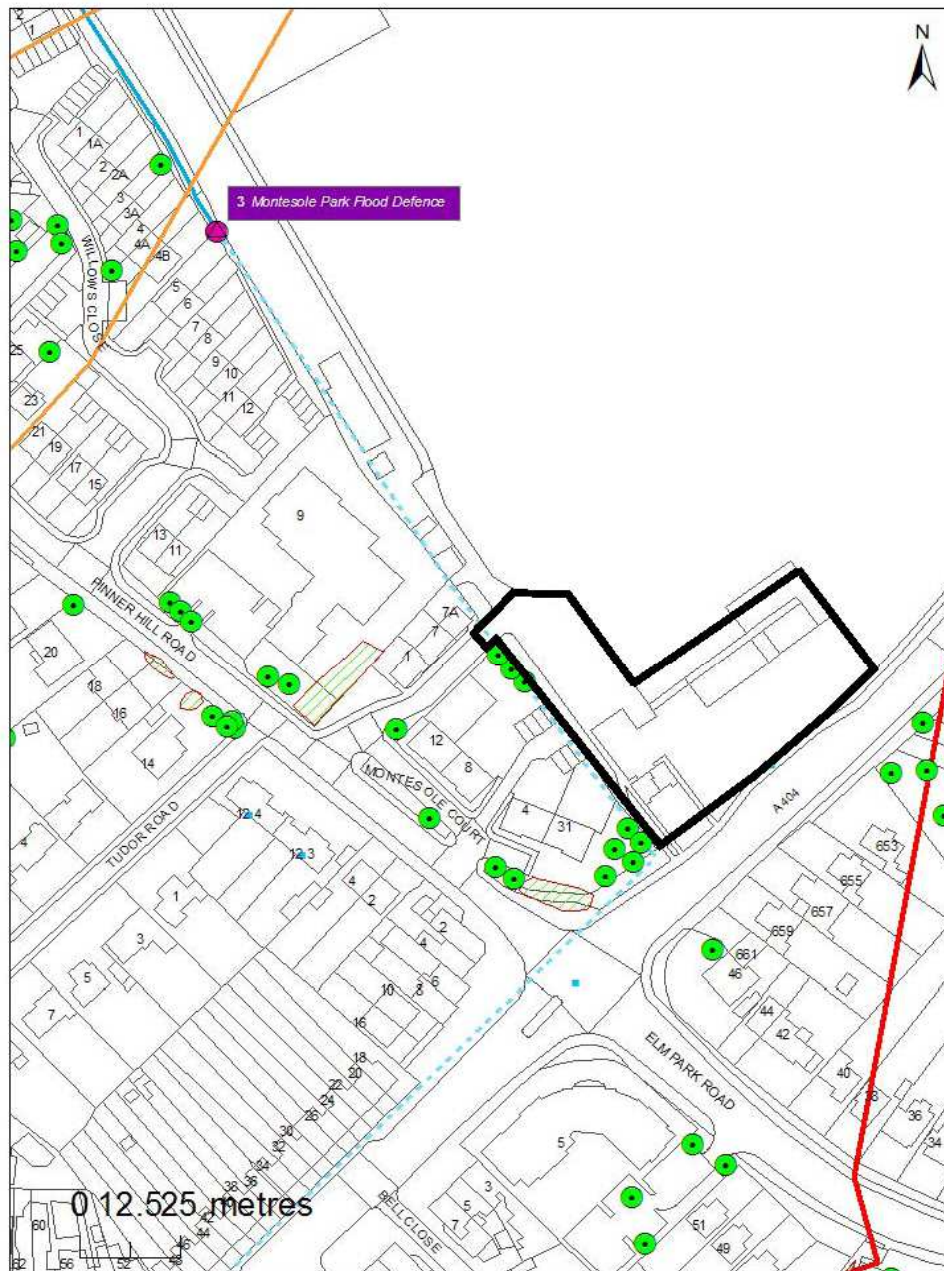
Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

5 INFORM 51\_M

Plan Nos: Unnumbered CGI Image; Planning, Design and Access Statement; LR/070/PL08 REV P1; PAVI/2013/01; PAVI/2013/02; PAVI/2013/03; PAVI/2013/04; PAVI/2013/05; PAVI/2013/06; PAVI/2013/07; PAVI/2013/08; PAVI/2013/09; Transport Statement (Ref: ITR/4435/TS4 – Dated January 2014)

# MONTESOLES PLAYING FIELDS, UXBRIDGE ROAD, PINNER



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecutions or civil proceedings. London Borough of Harrow LA.100019206. 2011. DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2010)



Item No. 2/04  
Address: LYONS, GARLANDS LANE, HARROW ON THE HILL  
Reference: P/4033/13  
Description: PROPOSED MULTI-USE GAMES AREA (MUGA); 4 X 8M HIGH FLOODLIGHT MASTS; MESH NETTING & RETAINING WALL; NEW ACCESS PATH  
Ward: HARROW ON THE HILL  
Applicant: KEEPERS & GOVERNORS OF HARROW SCHOOL  
Agent: KENNETH W REED & ASSOCIATES  
Case Officer: SARAH MACAVOY  
Expiry Date: 13/02/2014

### **RECOMMENDATION**

The decision to **GRANT** permission for the MUGA, floodlighting columns and luminaries, fencing and footpath has been taken having regard to all relevant material considerations including the impact on the character of the conservation area, biodiversity, drainage and neighbouring amenity and for other matters including any comments received in response to publicity and consultation. All matters have been considered with regard to the policies and proposals in the London Plan, the Harrow Core Strategy (2012) and the Harrow Development Management Policies Local Plan (2013) Plan.

### **INFORMATION**

The application is reported to the Planning Committee due to the significant level of public interest in the application. The application therefore falls outside of Proviso E to Part 1 of the Scheme of Delegation dated 29<sup>th</sup> May 2013.

**Statutory Return Type:** Minor Other

**Council Interest:** Council owned site

**Net additional Floorspace:** N/A

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

**Harrow CIL:** N/A

### **Site Description**

- The site is located in front of Lyon's House and is adjacent to the rifle range. It is situated well within the Harrow School site off Garlands Lane.

## Proposal Details

- New MUGA which would be located in front of Lyons House. Retaining walls would be required to provide a level playing field on this gently sloping site. The retaining walls would have a maximum height of 4m.
- Four eight metre high floodlighting columns would be installed to provide floodlighting to the MUGA. Each floodlighting column would have two luminaries placed on it.
- 4m high wire mesh fencing is proposed to the MUGA.
- A 4m high retaining wall is proposed to support the excavation required to provide a level playing field.
- A footpath is proposed connecting Lyons House to the MUGA. It would be a 900mm wide porous tarmac path.

## Revisions to Previous Application

- N/A

## Relevant History

- N/A

## Pre-Application Discussion

Although the principle of a new MUGA and 8m high floodlights in this location can be supported, this is subject to the findings of the Phase 1 (and possibly Phase 2) habitat surveys which will determine the impact on bat populations.

The lighting information is acceptable.

## Applicant Submission Documents

- See Design and Access Statement

## Consultations

**Drainage Engineer:** Conditions recommended

**Highways Authority:** There are no particular comments with regard to the MUGA proposal.

**Landscape Architect:** Conditions recommended

**Biodiversity Officer:** I have reviewed the Biodiversity Report (Bat Assessment), proposed MUGA Floodlighting illumination contour plan and other relevant documents. I have no objection on the grounds of bat disturbance posed by the proposals given that the mitigation highlighted in the report is fully implemented i.e. lighting curfew and further lighting related mitigation recommendations. Thus I am satisfied that current legislation protecting bats and their roosts is unlikely to be contravened.

However, the area of land chosen for the site of the MUGA is within the Harrow on the Hill Borough Grade 1 Site of Nature Conservation Importance (SINC). The actual area seems not to be of high conservation value in itself but its conversion to an artificial pitch will lead to it being removed from the SINC and within Harrow a reduction in the area covered by such non-statutory designated sites.

I think this loss will contravene the spirit of Policy DM20: Protection of Biodiversity and Access to Nature. Perhaps we should be seeking appropriate mitigation here e.g. addition of an area of equivalent biodiversity value from elsewhere in Harrow School, this should adjoin the current SINC, there should be an intention to increase its biodiversity

value with appropriate planting.

**Lighting Engineer:** No objection subject to conditions

**Harrow Hill Trust:** No response received

**Sport England:** No response received

**London Borough of Brent:**

- At their closest point the floodlighting columns will be approximately 800m away from the rear boundaries of properties on Pebworth Road.
- It is noted within the Design & Access Statement submitted with the application that the floodlighting will not be in use from late March through to early October, and that outside of this period the floodlighting would not be used past 22:00 hours. Brent Council therefore request that if permission is granted it should be subject to an appropriate condition controlling the hours that the lighting is in use, in order to guard against potential light pollution.
- Brent Council would also request that a condition be attached requiring further details of measures to minimise overspill of light beyond the sites boundaries and that the agreed measures are fully implemented and retained thereafter.
- The Council has no other observations to make on the aforementioned proposal at the above site, but I trust you will take the above into consideration when determining this application.

### **Advertisement**

N/A

### **Notification**

Sent: 27

Replies: 3

Expiry: 27/1/14

### Neighbours Notified on Peterborough Road:

The Garlands

Flat 1 and 2 Peterborough Cottage

Cadet HQ, 51

1-20 The Garlands

Playing field rear of the Garlands

Rifle Range, 51

### **Summary of Responses**

#### **Pebwatch:**

- You have you not consulted the residents of Pebworth Road, Littleton Road plus Crescent and Bengeworth Road all of which will be affected? Please consult properly and do not ignore Brent residents yet again. A response would be appreciated.
- The floodlights will be high up on the south slope of Harrow on the Hill and will interfere with the protected view of St Mary's Church.
- There will be excessive damage to the rural landscape, notwithstanding the school's actions in destroying the wildlife habitat by constant mowing of this farmland
- The large old rambling house that was in the area before these developments was full of bat roosts, most of which were in the house that was demolished to make way for the redevelopment. Yet more MOL is to be lost!
- As I understood bat protection, mitigating installations should be installed, where are



the ones for Lyon House? Surely, as a planning department you are statutorily responsible for maintaining the habitat through the planning process.

- The distance to Pebworth and the other roads mentioned is irrelevant as the lights will be obtrusive to them all as there is nothing to mitigate their effect due to the loss of trees and their height up the hill, again, the other lights will not mitigate they will only amplify the effect.
- I believe that all the even number addresses on Pebworth Road should and must be consultees for any developments on the south side of Harrow on the Hill. If I had had a longer break, no one would have known of this development.

#### **Sudbury Court Residents' Association:**

- The proposal would have an impact on the Harrow School Conservation Area as well as the wider Harrow on the Hill Conservation Area. The area is rural.
- This green open space is significant and important as the setting to the buildings within the conservation area and in maintaining the green buffer around the Harrow on the Hill Conservation area. The introduction of netting, lighting masts, footpaths and artificial surface material will be visually intrusive and will change the rural feel of this area. To build on this area will add to the gradual and creeping erosion of the important visual break from the surrounding suburban development.
- With regard to the lighting, no matter how well designed it will affect the night time views across the open land and towards St Mary's Church. To quote from the Harrow on the Hill Conservation Area Document: "from the surrounding suburbs, views of the Harrow on the Hill's distinctive townscape are clearly visible and it is imperative that development proposals do not detract from these views". Given the topography of the Hill even the smallest developments could detrimentally affect conservation area views.
- Whilst recognizing that the school is integral to the area's character and that conflicting priorities arise from balancing the needs of the school to expand and operate with the very special qualities of the area, it I hoped that the requirement for a 5 a side could be accommodated in a less visually sensitive location or indeed on the nearby existing floodlit all weather pitches already in place.

#### **London Borough of Brent:**

- At their closest point the floodlighting columns will be approximately 800m away from the rear boundaries of properties on Pebworth Road.
- It is noted within the Design & Access Statement submitted with the application that the floodlighting will not be in use from late March through to early October, and that outside of this period the floodlighting would not be used past 22:00 hours. Brent Council therefore request that if permission is granted it should be subject to an appropriate condition controlling the hours that the lighting is in use, in order to guard against potential light pollution.
- Brent Council would also request that a condition be attached requiring further details of measures to minimise overspill of light beyond the sites boundaries and that the agreed measures are fully implemented and retained thereafter.
- The Council has no other observations to make on the aforementioned proposal at the above site, but I trust you will take the above into consideration when determining this application.

#### **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 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

#### Revised Early Minor Alterations [REMA] to The London Plan 2011

On 11 October 2011, the Greater London Authority [GLA] published Revised Early Minor Alterations [REMA] to The London Plan 2011. From this date, the REMA are operative as formal alterations to The London Plan 2011 and therefore form part of the development plan for Harrow.

In relation to the policies of the LP which are relevant to this application, only policies 3.19 (Sports Facilities), 5.12 (Flood Risk), 5.13 (Sustainable Drainage) and 7.17 Metropolitan Open Land have been altered. Officers consider that the content of the alterations to this policies do not materially alter the conclusions of the report on the agenda. No alterations to the conclusions in the report on the agenda in relation to sports facilities, flood risk or Metropolitan Open Land, the overall conclusions or the reported conditions are therefore suggested.

#### **MAIN CONSIDERATIONS**

Impact on Outdoor Sports Facilities

Character of the Conservation Area and Impact on the Adjacent Metropolitan Open Land

Residential Amenity

Biodiversity

Development and Flood Risk

Equalities Statement

S17 Crime & Disorder Act

Consultation Responses

#### **Impact on Outdoor Sports Facilities**

Policy 3.19 of the London Plan states that proposals that increase or enhance the provision of sports and recreational facilities will be supported. It goes on to say that the provision of floodlighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the floodlighting gives rise to demonstrable harm to the local community or biodiversity.

Policy DM48 of the Development Management Policies Local Plan (2013) notes that proposals that would increase the capacity and quality of outdoor sport facilities, and those that would secure community access to private facilities, will be supported provided that:

a. there would be no conflict with Green Belt, Metropolitan Open Land and open space policies (see NPPF paragraphs 87-89, London Plan Policies 7.16 and 7.17, and Policy

DM18: *Protection of Open Space*);

b. the proposal would not be detrimental to any heritage or biodiversity assets within or surrounding the site (see Policies DM7: *Heritage Assets*, DM20: *Protection of Biodiversity and Access to Nature* & DM21: *Enhancement of Biodiversity and Access to Nature*); and

c. there would be no adverse impact on residential amenity (see Policy DM1) or highway safety.

B. Proposals for uses that would support outdoor sporting uses will be supported where they are:

a. ancillary in terms of size, frequency, use and capacity; and

b. do not displace or prejudice facilities needed for the proper functioning of the principal outdoor sports uses.

c. Proposals for floodlighting will be supported where it would enhance sport facilities and would not be detrimental to the character of the open land, the amenity of neighbouring occupiers nor harmful to biodiversity.

The proposal would increase the opportunities for sport on the site and the inclusion of floodlighting in the proposal would ensure that the MUGA would be useable all year around. The impact of the proposal on the character of the Conservation Area, neighbouring amenity and biodiversity is considered to be acceptable as set out in the report below.

The proposal would increase sports participation opportunities within Harrow School, and as discussed in the paragraphs below would not unduly impact on the local community or biodiversity in accordance with London Plan policy 3.19 and Development Management Policies Local Plan (2013) – Policy DM48.

### **Character of the Conservation Area and Impact on the Adjacent Metropolitan Open Land**

Policy 7.4 of the London Plan (2011) requires development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 of the London Plan (2011) requires buildings to make a positive contribution to a coherent public realm, streetscape and wider cityscape.

Policy DM1 of the Development Management Policies Local Plan seeks to ensure a high standard of development.

Policy DM7 of the DMP seeks to protect heritage assets.

The Sudbury Court Resident's Association has objected to the application due to it being visually intrusive and it changing the rural feel of this area. Their objections also include the proposal affecting night time views across the open land and towards St Mary's Church.

This proposal is within the setting of the Harrow School Conservation Area. The special interest of this conservation area is defined by the Harrow School Conservation Area Appraisal and Management Strategy (CAAMS) which states: 'The Harrow School conservation area is set within Harrow to the south-west of the borough. It contains buildings that are some of the most well known in, and emblematic of, Harrow. St Mary's Church, for example, sits atop the hill, and is visible from all over the Borough. Just below it, the rooftops of Old Schools and Harrow School Chapel are also visible'

It is recognised in the CAAMS that 'Harrow School has a need to improve its facilities' and that 'it is important to balance the need for change with the need to maintain the area'.

The proposal is within the setting of the character area called 'semi-rural tracks' in the conservation area. The area concerned is open land within the setting of the conservation area. The CAAMS recognises the importance of the landscape setting to the character of the conservation area and states that managing this is one of the pressures and opportunities for enhancement. The open space allows for good views towards the hill. The proposed siting of this development is sensitive since the proposal has the potential to be visible in views to and from St Marys Church and the distinctive Harrow on the Hill.

However, it is considered that the proposal would not unduly impact on views towards the hill as the wire netting would be open and as such would not restrict views. In addition, the proposal would be set on low lying land and would not be unduly obtrusive. The four 8m floodlighting columns with luminaries would not be unduly obtrusive. The proposal would help ensure the vitality of the school as it would provide additional sporting opportunities.

The proposed MUGA due to its proposed siting and the floodlighting columns due to their modest height would not be unduly bulky and would be in keeping with the recreational character of the site.

Therefore, on balance, the proposal would preserve the character of the area and any harm would be minimal and outweighed by the public benefits of ensuring the ongoing vitality brought by Harrow School.

Therefore, it is considered that the proposed footpath, MUGA and associated fencing, retaining walls and floodlighting columns and luminaries would be in keeping with the character of the site and would have no undue impact on the character of the area in accordance with the NPPF (2012), Harrow Core Strategy (2012) CS1.B, policies 7.4.B and 7.6.B of The London Plan and the Development Management Policies Local Plan (2013) - Policy DM1.

The Harrow School playing fields are designated MOL. However, the proposal to provide a new MUGA with associated floodlighting would have no undue impact on the MOL as it would support the MOL by providing further recreational facilities and ensure that the openness of the MOL would be maintained. Therefore, it is considered that there would be no undue impact on the MOL as a result of the proposals in accordance with London Plan policy 7.17 and Development Management Policy DM16.

### **Residential Amenity**

The proposed footpath, floodlighting and MUGA would be located well within the school site, with a separation distance of more than 800m to the neighbouring properties located on Pebworth Road and more than 100m to Peterborough Road. These separation distances are considered to be acceptable and would sufficiently mitigate any undue impact in terms of light overspill, disturbance or overbearing impact into these neighbouring properties.

It is noted that Pebwatch, the residents group which encompasses Pebworth Road among others within the London Borough of Brent, have raised concerns in relation to the lack of notifications to Brent Residents of the application. The London Borough of Brent

was notified of the application and have commented on the application and its relationship to Pebworth Road as detailed in the consultation section above. There would be a buffer of approximately 800m distance between the site and the rear fenceline of the properties on Pebworth Road as well as the rifle range, the tennis courts and pitches. It is considered therefore that these are not adjoining occupiers and neither are the other premises on Littleton Road, Littleton Crescent and Bengeworth Road. They are therefore not considered to be statutory consultees for the purposes of this planning application.

A condition has been recommended on this permission restricting the floodlighting to 30 minutes before sunset until 2200 hours. This condition would ensure that the floodlighting provided onto the proposed MUGA would not be unduly obtrusive and would have no undue impact on visual amenity. This time limit would permit play to a time consistent with mid summer natural light and it is considered appropriate that a condition to this effect be imposed which is the same as the condition which was placed on existing floodlights on the site.

A condition has also been recommended on this application allowing the lights to only be used when they are in working order and when no overspill in addition to the overspill shown on the lighting diagrams is present.

The Council's Lighting Engineer has reviewed the information and is supportive of the application, stating that there would not be an unreasonable impact in terms of light overspill as a result of the floodlighting.

It is considered the proposal would not have an adverse impact on the residential amenities of adjoining occupiers in accordance with London Plan policy 7.6B and Development Management Policies Local Plan (2013) - Policy DM1 and would therefore have an acceptable impact on neighbouring amenity

### **Biodiversity**

It is noted that the residents group "Pebwatch" have objected to the application due to the impact on bats. A bat assessment has been submitted with this application. The Council's Biodiversity Officer has not objected to the proposal in terms of the impact on bat populations as the proposal would ensure that bats and their roosts are unlikely to be contravened.

However, the area of land chosen for the site of the MUGA is within the Harrow on the Hill Borough Grade 1 Site of Nature Conservation Importance (SINC). The proposed location of the MUGA is not of high conservation value in itself but its conversion to an artificial pitch will lead to it being removed from the SINC and within Harrow a reduction in the area covered by such non-statutory designated sites. As such, a condition has been recommended on this application ensuring that an area of the same biodiversity value is set aside on the Harrow School site of the same size as that would be lost by the proposal. This set aside area shall have its biodiversity value improved by appropriate planting. Subject to this condition, the proposal would have no unreasonable impact on biodiversity. The proposal would therefore comply with the NPPF (2012), Harrow Core Strategy (2012) policy CS1.E, London Plan (2011), policy DM20 of the Development Management Policies Local Plan (2013) and the Harrow Biodiversity Action Plan (2009).

### **Development and Flood Risk**

The Council's Drainage Engineer has recommended conditions relating to details of levels and details of storm water run off calculations for the retaining wall drainage.

These measures would be required as there would be an overall increase in built up, impermeable surfaces as a result of the scheme. As such, subject to such conditions, it is considered that the proposal would not unduly impact on surface water runoff. Therefore, the proposal would not have an undue impact on flooding, in accordance with the NPPF and London Plan policy 5.13 and Development Management Policies Local Plan (2013) policies DM 9 and DM10.

## **Equalities Statement**

### **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 the proposal would have no impact with regard to section 149 of the Equalities Act 2010.

### **S17 Crime & Disorder Act**

The proposal is not anticipated to have any impact on Crime or Disorder.

### **Consultation Responses**

- Material Planning concerns have been assessed in the report above.

### **CONCLUSION**

It is considered that the proposal would not unduly impact on the character of the area or neighbouring amenity.

### **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 be carried out in accordance with the following approved plans:

Design and Access Statement; Bat Assessment; Drainage Details; Technical Report Revision B; Plan showing the horizontal illumination details; 1738 03; 1738 05 Revision F; 1738 06 Revision E; 1738 07 Revision B; Plan showing the vertical illumination levels

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

3 Notwithstanding the details on the approved plans, the carpet for the cricket square shall be “Playrite Fibrilated Texturised polypropylene green” and shall thereafter be retained.

REASON: To ensure the external materials are in keeping with the character of the conservation area in accordance with policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013).

4 Notwithstanding the details on the approved plans, the carpet for the MUGA shall be “sand filled 23mm pile synthetic turf, carpet colour green by G Thornton Contracts” and shall thereafter be retained.

REASON: To ensure the external materials are in keeping with the character of the conservation area in accordance with policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013).

5 Notwithstanding the approved plans, 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 around the MUGA. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

REASON: To safeguard the character and appearance of the area, in accordance with policies DM1 and DM22 of the Harrow Development Management Policies Local Plan (2013).

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the character and appearance of the area, in accordance with policies DM1 and DM22 of the Harrow Development Management Policies Local Plan (2013).

7 No site works or development shall commence until existing and proposed details (including cross sections) of the levels of the MUGA in relation to the adjoining land and any other changes proposed in the levels of the site and details of the retaining wall, have been submitted to, and approved by, the local planning authority.

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

REASON: To ensure that the works are carried out at suitable levels in relation to the site in the interests of the appearance of the development and the impact on the conservation area, the appearance of the development and drainage, in accordance with policy DM22 and DM9 of the Harrow Development Management Policies Local Plan (2013).

8 No site works or development shall commence until the following details are submitted to and approved by the Local Planning Authority:

1. Storm water run off calculations for the retaining wall drainage.
2. Harrow Drainage consent to discharge storm water into the ordinary watercourse.
3. Outfall details with levels

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

REASON: To ensure that adequate drainage facilities are provided, as required by policy DM1 and DM9 of the Harrow Development Management Policies Local Plan (2013).

9 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, details of the ecological enhancements to be made to another piece of land within the Harrow School site and adjoining the site of Nature Conservation Importance with the same ecological value as that being lost by the proposal which will be protected and have its ecological value enhanced by planting. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

The MUGA shall not be used until the ecological improvements have been completed.

REASON: To ensure that the proposal would not have an unreasonable impact the Harrow on the Hill Borough Grade 1 Site of Nature Conservation Importance (SINC) in accordance with policy DM20 of the Harrow Development Management Policies Local Plan (2013).

10 The floodlighting shall only be operational between the hours of 16.00 and 22.00.

REASON: To preserve the character and appearance of the Harrow School Conservation Area and Harrow on the Hill Area of Special Character and neighbouring amenity in accordance with the provisions of policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013).

11 The floodlighting shall not be operational at all between the 1<sup>st</sup> of April and the 1<sup>st</sup> of October in perpetuity.

REASON: To ensure that the proposal would have no undue impact on bat populations in accordance with policy DM20 of the Harrow Development Management Policies Local Plan (2013).

12 The floodlights hereby approved shall be maintained in the approved condition and no operation of the lights will occur if any fault, breakage, or other situation should arise where light would spill outside of the areas indicated on the approved plans.

REASON: In the interests of the amenities of neighbouring occupiers, the biodiversity of the area and in order to comply with the provisions of DM1 and DM20 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)

7.4 Local Character

7.6 Architecture

7.19 Biodiversity and Access to Nature

3.19 Sports Facilities

5.13 Sustainable Drainage

Harrow Core Strategy (2012)

Core Policies CS1.B/E



## Core Policy CS5

Harrow Development Management Policies Local Plan (2013)

DM1 – Achieving a High Standard of Design and Layout

DM7 – Heritage Assets

DM9 – Managing Flood Risk

DM10 - On site water Management and Surface Water Attenuation

DM20 - Protection of Biodiversity and Access to Nature

DM22 – Trees and Landscaping

DM48 – Enhancing Outdoor Sport Facilities

The Harrow Biodiversity Action Plan (2009)

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

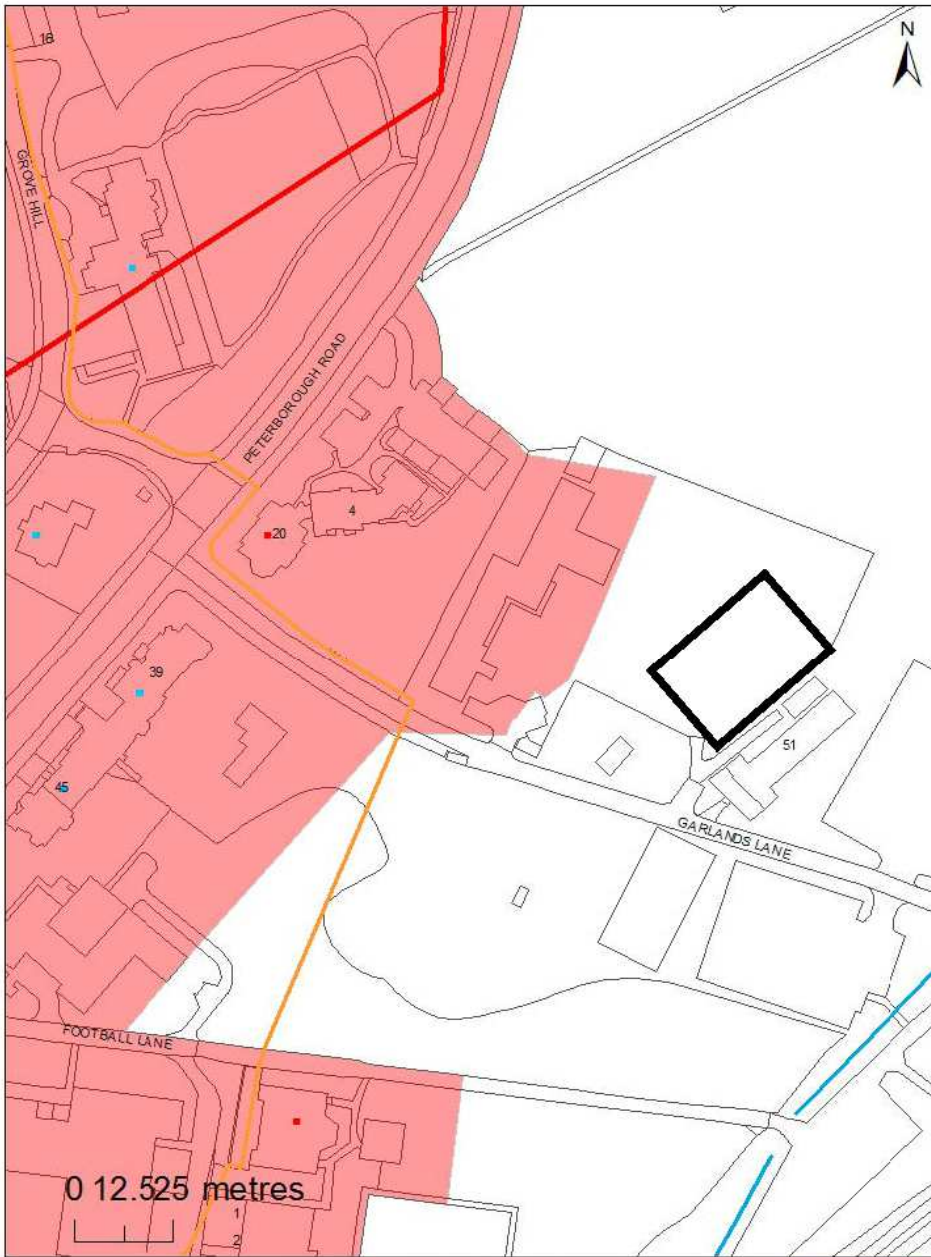
This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

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

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

Plan Nos: Design and Access Statement; Bat Assessment; Drainage Details; Technical Report Revision B; Plan showing the horizontal illumination details; 1738 03; 1738 05 Revision F; 1738 06 Revision E; 1738 07 Revision B; Plan showing the vertical illumination levels

**LYONS BOARDING HOUSE, GARLANDS LANE, HARROW ON THE HILL**



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecutions or civil proceedings. London Borough of Harrow LA.100019206. 2011. DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2010)



Item No: 2/05  
Address: VARIOUS SITES AROUND BUSHEY INCLUDING FIVE WITHIN LONDON BOROUGH OF HARROW  
Reference: P/0084/14  
Description: CONSTRUCTION OF POLE AND WIRE GATEWAYS AND STEEL POSTS TO FORM AN ERUV FOR BUSHEY  
Ward: STANMORE PARK  
Applicant: UNITED SYNAGOGUE  
Agent: ROSENFELDER ASSOCIATES  
Case Officer: GERARD LIVETT  
Expiry Date: 17 MARCH 2014

## RECOMMENDATION

**GRANT** permission for the development described in the application, subject to conditions.

## INFORMATION

This application is reported to Planning Committee as in the opinion of the Divisional Director of Planning it is likely to be of significant public interest and therefore falls outside of proviso E of the Scheme of Delegation.

### Summary

Statutory Return Type: Minor Development  
Green Belt  
Council Interest: Highways land

### Site Description

The application comprises five separate sites across the Borough, as set out below:

Please note the site numbers are as supplied by the applicant and form part of the sequence of the larger scheme which includes the development in Hertsmere Borough. These numbers are used for clarity and consistency.

- **Site 07** – Footway and Roadway at junction of Magpie Hall Road and Heathbourne Road  
Residential area with large detached dwellinghouses.
- **Site 08** – Footway on Heathbourne Road  
Residential area on west side of road with woodland on east side.
- **Site 09** – Footway/highway at The Common

Residential in character, with detached houses on The Common and in proximity to the entrance to the Bentley Priory development

- **Site 11** – Footway/highway at junction of Common Road. Hive Road and Tanglewood Close

Residential in character

- **Site 12** – Footway on Hive Road

The poles would allow a wire to span the main entrance to the Kestrel Nursing Home

### **Proposal Details**

The formation of an Eruv around the Bushey area, which comprises 31 locations in total, with 25 locations in Hertsmere Borough and 5 in Harrow Borough.

The poles would be 73mm in diameter and would be 5.5m high with connecting thin wire to create a 'gateway'

The site-specific details are as follows:

**Site 07** – One pole would be in Magpie Hall Road and the other at the apex of the junction with Heathbourne Road.

**Site 08** – The poles would be either side of the entrance to 'Heathfield' on the western side of the highway.

**Site 09** – One pole would be to the east of the entrance to Heathfield Lodge on the north side of The Common and the other would be at the boundary of the Bentley Priory Site

**Site 11** – There would be a pole on each side of Hive Road with the wire spanning the two poles.

**Site 12** – The poles would allow a wire to span the main entrance to the Kestrel Nursing Home

### **Relevant History**

P/0405/09

Construction of pole and wire gateways and sections of gates/fencing to form an Eruv for Stanmore and Canons Park.

Granted : 30/06/2009

P/1689/10

Construction of pole and wire gateways and sections of gates/fencing to form an Eruv for Stanmore and Canons Park (revised to include sites comprising Hilltop Way/Fallowfield/Aylmer Close/Little Common, and Abercorn Road/Belmont Lane/ Oak Tree Close/Acorn Close/ Golf Close/Courtens Mews/Wolverton Road).

Granted : 30/11/2010

P/1298/11

Variation of conditions 2, 6 & 8 attached to planning permission P/1689/10 dated 30/11/2010 for:

'Construction of pole and wire gateways and sections of gates/fencing to form an Eruv for Stanmore and Canons Park (revised to include sites comprising Hilltop Way/Fallowfield/Aylmer Close/Little Common, and Abercorn Road/Belmont Lane/ Oak Tree Close/Acorn Close/ Golf Close/Courtens Mews/Wolverton Road).

to amend to the location / size / height / materials of the pole and wire gateways at the following 4 sites:

Site 26 - pedestrian access to Golf Club car park from Wolverton Road

Site 32 - Canons Park Station western side

Site 34 - Whitchurch Gardens

Site 36 - Montgomery Road / Whitchurch Lane

Granted : 06/10/2011

P/0266/13

Construction of pole and wire gateways and steel posts to form an Eruv for Belmont

Granted: 04/06/2013

P/1181/13

Consultation from neighbouring authority: Erection of 5.5M high supporting poles and linking wires associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) in 25 locations around Bushey

No objection: 18 July 2013

P/1462/13

Construction of pole and wire gateways and steel posts to form an Eruv for Bushey

Granted: 11-Sep-2013

### **Pre-Application Discussion**

- None

### **Revisions to previous application**

Following the previous grant of planning permission (P/1462/13), the following amendments have been made:

Previous sites 10 and 11 amalgamated. Previously, there would have been a pole and wire spanning Hive Road, with a further wire spanning Common Road north of the junction with Tanglewood Close

### **Applicant Statement**

- One of the fundamentals of Judaism is the observance of the Sabbath from sunset on Friday until nightfall on Saturday. Among the basic rules defining this observance is a prohibition of the use of any form of transport and, in addition, the carrying or moving of any object from a private domain other than within an enclosed area.
- The qualifying definition of an enclosure includes, in addition to walls or fences at least 1 metre in height, a structure technically known as a 'gateway', which to qualify needs to comprise no more than a thin wire spanning between the tops of two poles.
- The formation of an 'enclosure' of an area encompassing a large number of properties is of great benefit to Sabbath observant people, importantly non-ambulant

persons like wheelchair users and babies in pushchairs.

- In recent years, an Eruv has been approved in NW London, Edgware, Stanmore and Borehamwood, and approved in Barnet, Mill Hill and Woodside Park, whilst others are being considered.
- The large majority of the 'enclosure' required utilises existing walls and fences as illustrated on the General Arrangement Plan.
- There unavoidably remain a number of locations where no existing enclosure exists, principally across roads and for which pairs of poles and a nylon fluorocarbon monofilament are proposed.
- The poles would have the narrowest possible diameter (73mm) and are generally painted light grey to conform to other street furniture. The wire spanning between the poles is less than 0.5mm fishing line, which is visually imperceptible.
- The height of the poles would be 5.5 metres being the preferred height to achieve clearance even for exceptionally over height vehicles.
- The siting has been carefully considered to minimise visual impact and avoid trees.

#### **Consultations:**

**Hertsmere Borough Council:** No response received

**London Underground:** No response received

**Highways Authority:** No objections, a license would be required under the Highways Act post planning permission.

#### **Advertisement:**

General Notification

Expiry: 27-Feb-2014

#### **Notifications:**

Sent: 52

Replies: 0

Expiry: 20-FEB-14

#### **Addresses Consulted:**

- Site 07: County End, Belswood Cottage, Heathfield.
- Site 08: Heathfield, Little Heathfield.
- Site 09: Heriots Wood, Cedars Lodge, Heathfield Lodge, 1, 2, 3, 4 Alpine Walk, Little Heathfield.
- Site 11: Tanglewood Lodge, 1, 2, 3 Tanglewood Lodge, Tanglewood Close, Hive Corner; Kestrel Nursing Home
- Site 12: Kestrel Nursing Home; Cottage 1, Hive Road; Cottage 2, Hive Road.

In addition to these neighbour letters, consultation letters were sent to all who responded to the previous application (P/1462/13)

#### **Summary of Response:**

N/A.

#### **BACKGROUND INFORMATION**

This application forms and amendment to the proposal for an Eruv in Bushey that was previously submitted to both Hertsmere Borough Council and Harrow Council.

The previous applications, which related to both Hertsmere and Harrow Boroughs. The part of the Eruv in Hertsmere borough was granted planning permission under reference number TP/13/1281 on 15 August 2013. The Harrow part of that application was granted planning permission on 11 September 2013 under reference P/1462/13.

This application covers LB Harrow only and represents a minor amendment to the approved scheme as outlined above.

## **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.'*

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

## **MAIN CONSIDERATIONS**

Principle of Development  
Ethnic and Community Development  
Character and Appearance of the Area and Public Realm  
Residential Amenity  
Highway Safety  
S17 Crime and Disorder Act  
Equalities Statement  
Consultation Responses

### **Principle of Development**

The principle of the development is considered acceptable, as a similar scheme was approved in 2009 (and amended in 2010) to provide an Eruv for Stanmore and Canons Park. A further scheme was approved in 2013 for Belmont. Similar facilities exist in other areas of London and are established elements of the streetscene. Core Policy CS1Z supports the provision or expansion of community infrastructure. Detailed consideration of the visual and other impacts of the installations is undertaken in the below appraisal sections.

### **Ethnic and Community Development**

The proposed creation of the Eruv involves the formation of a 'complete' boundary around a town or district that will allow the Jewish orthodox community to carry on the Jewish Sabbath by denoting the area of the Eruv as a single unified domain for the purposes of Jewish rabbinic observance. The day of the Jewish Sabbath is Friday evening until Saturday evening.

Amongst the restrictions accepted by the orthodox Jewish community are prohibitions on carrying objects from public spaces to private spaces and vice versa. The practical implications on these restrictions means that the mobility impaired (elderly, disabled and very young children) that rely on assisted mobility are not able to leave their homes (private space) without transgressing some of the restrictions of the Sabbath. This means

that these people are house bound during the Sabbath and are unable to participate in social occasions, attend Synagogue or visit friends and family for one day of the week.

The proposal under consideration would provide part of an Eruv for Bushey, with the major part of the Eruv being in Hertsmere Borough, to enclose the Bushey Area. The vast majority of the boundary comprises existing garden and boundary fencing and the only gaps are where the Eruv route crosses public streets and footpaths. The proposals involve physical development to complete the gaps in the Eruv boundary, comprising the construction of two 5.5 metre high poles either side of the road with a thin connecting wire between.

Policy DM46 of the Development Management Policies Local Plan supports the provision of new community facilities where:

- a) They are located within the community they are intended to serve
- b) Subject to (a) they are safe and located in an area of good public transport accessibility or in town centres; and
- c) There would be no adverse impact on residential amenity or highway safety.

The application does provide a new religious facility, albeit an unconventional one. The Eruv would enable members of the Jewish community living within its boundary to go about their normal business on days of the Sabbath, without being restricted to their homes. The benefits for the disabled, elderly and young children are particularly evident.

The physical development required to construct the Eruv is considered to be minimal and the proposed development is considered to comply with criteria a) and c) of policy DM46 as set out above. With regards to criterion a), the Bushey area contains a large Jewish community, with Bushey Synagogue having a membership of over 3,000. This is also evidenced by the support comments received, many from residents within the proposed Eruv boundary. Although the area of the Eruv does not have the high levels of public transport accessibility that exists in other Eruvs (such as Belmont), the individual sites of the Eruv poles are not destinations in and of themselves. It is considered that the proposal would not adversely affect neighbouring properties or visual amenity (discussed in more detail in appraisal sections 3 and 4), and the proposed structures would not adversely affect highway safety (discussed in more detail in appraisal section 5), in accordance with criterion c).

The principle of the development has been accepted by the grant of planning permission for the Stanmore and Canons Park and the Belmont Eruvs. It is considered that the proposed development would be of benefit to the local Jewish community and would have no unduly detrimental impacts upon the needs of different ethnic groups locally or elsewhere. In principle therefore, the proposed development is considered to be consistent with DMP policy DM46.

### **Character and Appearance of the Area and Public Realm**

All six of the sites are located in the Metropolitan Green Belt.

The National Planning Policy Framework, under paragraph 79 states the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Policy 7.16 B of the London Plan (2011), Policy CS1F of the Harrow Core Strategy and



policy DM16 of the Harrow Development Management Policies Local Plan (2013) support the Green Belt protection in the NPPF.

In this case, it is considered that the proposals for each of the sites represent the least harmful impact on the street scene in terms of the locations of the poles/posts, the size of the poles and the span of the wire gateways.

The proposed poles and posts, due to the slender diameter of the poles and their locations in areas with significant tree cover, would not have an impact on the openness in the Green Belt and would not, therefore, represent inappropriate development in the Green Belt.

It is noted that the poles are similar to other items of street furniture (such as telegraph poles and lampposts), but would increase street clutter. However, other examples of Eruvs in London have shown that these features are quickly assimilated into the street scene, as any other piece of street furniture would be. Individual site visits have confirmed that the installations would be sited to minimise clutter with other objects and the poles would be as slender as possible. The size of the Eruv poles would be modest compared to the majority of existing street furniture and would be set back from the public highway so as to be as discreet and unobtrusive as possible. The wires would not be overly visible.

It is noted that when undertaking the installation of the Eruv poles (subject to separate Highways Licence), it is possible that the precise locations shown on the submitted drawings may be unsuitable due to the uncertainty about the location of underground utilities and services, which are only likely to become clear when works are underway at each site. It is therefore considered that a small tolerance of 500mm would be appropriate, to enable the poles to be re-sited close to their approved locations as necessary.

Overall the individual sites that make up the proposed Eruv are considered to represent minor development that would not result in adverse impact on their surroundings and would have a significant community benefit. The proposed development is therefore considered to comply with policies DM1 and DM16 of the Development Management Policies Local Plan, London Plan policies 7.4B and 7.16B and Core Policy CS1B/F of the Harrow Core Strategy.

The submitted drawings indicate that the installations will be painted to harmonise with the surroundings of each site. Given that the finishes have been specified on the drawings, a standard condition requiring the development to be completed in accordance with the approved plans is considered sufficient to safeguard the character and appearance of the area.

In instances where excavation takes place within the crown spread of a tree, hand tools should be used and the Council's Tree Officer notified before any roots are severed. A condition is recommended accordingly. It is also considered necessary to impose a condition to ensure the installations are maintained in a clean and tidy condition.

### **Residential Amenity**

The poles have been sited to minimise any impact on the outlook of residential occupiers, being sited between the boundaries of two properties where they are to the front. Given the size, nature and location of the poles, it is considered that there would be no

discernible impact on residential amenity, particularly when compared to existing lamp posts, street lights etc. The plans confirm that the poles would be sited at least 150mm from any private property boundary. On balance it is considered that any impact on residential amenity from the Eruv structures would be minimal.

### **Highway Safety**

The gateways would be 5.5 metres in height. This height is considered acceptable, given the types of traffic using the highways and access roads that the gateways would span.

The poles would be no wider than 76mm in diameter and would be placed at the back of the footway. It is therefore considered that the impact on highway visibility would be minimal and would indeed be less than a typical streetlight installation, which is commonplace on all streets.

It is therefore considered that the proposed poles and wire gateways would not impede the free flow of highway traffic or pedestrian movement. Where development works are located on the public highway, the applicant will need to obtain a license under the Highways Act 1980 (s178) from the highways authority (Harrow) post planning permission.

### **S17 Crime & Disorder Act**

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

### **Equalities and Human Rights**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no adverse equalities issues arising from this proposal and the impact of the proposal on ethnic groups is discussed in the appraisal section 2. However, it is noted that equality impact assessments play an important role in the formulation of planning policies; however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the London Plan Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for an Equalities Impact Assessment.

### **Consultation Responses**

Apart from the points raised in the above sections, other issues raised are:  
None.

### **CONCLUSION**

In summary, the proposal would facilitate the creation of an Eruv for the Bushey area, which would have an identified benefit to members of the local Jewish community and have no unduly detrimental impacts upon the wider community or the character and appearance of the area.

### **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 Other than as required by conditions 5 and 6, the development hereby permitted shall be carried out in accordance with the following approved plans:

850\_001A; 850\_07A Issue A; 850\_08; 850\_09; 850\_11 Issue A; 850\_12A Issue A; 850\_41; Design and Access Statement

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

3 Within the crown spread of trees (greater than 75cm in diameter at 1.5m off the ground) pole foundation excavations must be dug by hand and no tree roots over 25mm diameter shall be severed as a result of the development works without the prior written agreement of the Council's Tree Officer.

REASON: In the interests of tree protection and the character and appearance of the area, in line with policies DM1 and DM22 of the Harrow Development Management Policies Local Plan (2013).

4 Any poles, posts or wires erected and any site used for the erection of the installations shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

REASON: To protect the character and appearance of the streetscene at each site, in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013).

5 Notwithstanding the details on the approved plans, the height of the poles and gateways spanning the sites on Heathborne Road, The Common and Common Road at locations 7, 9 and 11, shall be 6 metres.

REASON: In view of the type of traffic that might use those roads and in the interests of highway safety, in line with the requirements of policies DM1 and DM46 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): 7.3, 7.4, 7.6, 7.16

The Harrow Core Strategy (2012): Core Policies CS 1, CS 7

Development Management Policies Local Plan (2013): DM1, DM2, DM22, DM46

## **2 DUTY TO BE POSITIVE AND PROACTIVE**

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](mailto:communities@twoten.com)

#### 5 INFORMATIVE:

The applicant is advised that no part of the development hereby permitted shall be begun on highway land until written permission is obtained from the relevant Highways Authority.

Plan Nos: 850\_001A; 850\_07A Issue A; 850\_08; 850\_09; 850\_11 Issue A; 850\_12A Issue A; 850\_41; Design and Access Statement

Item No: 2/06  
Address: LETCHFORD ARMS PUBLIC HOUSE, LETCHFORD TERRACE,  
HARROW  
Reference: P/3882/13  
Description: REDEVELOPMENT TO PROVIDE SIX THREE STOREY TERRACED  
DWELLINGHOUSES WITH ASSOCIATED PARKING AND  
LANDSCAPING; DEMOLITION OF EXISTING PUBLIC HOUSE AND  
OUTBUILDINGS  
Ward: HATCH END  
Applicant: MR SAM BERG  
Agent: PLANNING PERSPECTIVES LLP  
Case Officer: GERARD LIVETT  
Expiry Date: 03-FEB-14

## **RECOMMENDATION**

**GRANT** planning permission, subject to conditions:

## **INFORMATION**

This application is reported to Planning Committee as the proposal is for the construction of six dwellinghouses and therefore falls outside Category 1(b) of the Scheme of Delegation.

This application was deferred from the Committee meeting of 12 February 2014 to allow for further analysis of the significance of the Locally Listed Building and the applicant's marketing exercises.

## **Summary**

**Statutory Return Type:** Minor Dwellings

## **Locally Listed Building**

**Council Interest:** None

**Gross Floorspace:** 626 square metres

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** £21,910

**Harrow Community Infrastructure Levy (CIL) Contribution (provisional):** £68,860

## Site Description

- The application site is currently occupied by a two-storey detached public house with a linked single storey outbuilding (formerly a stable block) on the west side of Letchford Terrace. The Letchford Arms Public House is a Locally Listed Building
- The west side of Letchford Terrace is characterised by two-storey terraced dwellinghouses.
- To the rear of the site are semi-detached dwellinghouses in Chantry Road. These properties have short (4m deep) rear gardens to the rear of the 11m deep gardens for the terraced properties in Letchford Terrace to the south of the application site.
- On the east side of Letchford Terrace is a detached two-storey property with a shop at ground floor level at the junction of Letchford Terrace and Headstone Lane, with two-storey semi-detached properties to the south of the shop
- The immediate area of the site (Letchford Terrace, Chantry Road, Chantry Place and West Chantry) was first developed in the nineteenth century and has a mixture of dwellinghouses and light industrial and workshop buildings.

## Proposal Details

- Demolition of the public house and associated outbuildings and the construction of six three-storey terraced dwellinghouses
- The dwellinghouses would be 12m deep at ground floor level (including the 2m oversail described below). Five of the dwellinghouses would be 5m wide with the sixth having a chamfered flank wall at ground floor level being 6m wide at the front and 7.5m wide at the rear
- The first and second floors of the dwellinghouses would be 9m deep and would be set 3m back from the ground floor at the rear.
- On the second floor, the front of the building would be set 2.5m rearward of the front elevation to provide a terrace area which would have triangular balcony screens on the front elevation
- The top of the balcony screens would be 7.6m above ground level and the flat roof of the second floor would be 8.5m above ground level
- The 3m deep single-storey rear elements would have a 3m high brown roof and would not be accessible
- The houses would have a 2m undercroft area at the front to provide space in the front garden for a car parking space
- Refuse and bicycle storage would be provided within the building at the front
- The front gardens would be separated by dwarf walls with planters
- The dwellinghouses would each have three bedrooms. Five of the dwellinghouses would have a Gross Internal Area (GIA) of 102m<sup>2</sup>, with the sixth having a GIA of 116m<sup>2</sup>.

## Revisions to previous application

N/A

## Relevant History

LBH/30410 – Single storey rear extension

Granted – 13-Jun-1986

LBH/17965 – Erection of single storey toilet block extension  
Granted – 08-Oct-1980

HAR/1000 – Rebuilding of public house  
Granted – 22-Mar-1949 (not implemented)

### **Pre-Application Discussion (P/2477/13/PREAPP)**

The loss of the public house, both as a Locally Listed Building and as a community facility would need to be justified in terms of the benefit that the proposal would bring. This would need to be detailed in your supporting documents.

The design of the proposed dwellinghouses is considered acceptable in principle. However, officers have concerns regarding the ground floor front elevations and the *brise soleil* (projecting sun screen at ground floor rear roof level). In addition, boundary treatments at the front of the front gardens and between the houses should be provided.

The rear terraces at first floor level should not be accessible. The use of a brown roof would assist in delivering more sustainable development at this site.

A survey of the existing building for the presence of bats should be submitted with the application.

### **Applicant Submission Documents**

- **Design and Access Statement:** Surrounding context of generally two storeys and is of semi-detached and terraced housing
- Property on site was formerly in use as a public house and is currently vacant
- Main constraints are potential overlooking and overshadowing of properties to the rear. The adjacent houses in Letchford Terrace provide the reference for the parameters of the proposal
- Design of the dwellinghouses has been in association with the Council officers and reflects the parameters of neighbouring properties while allowing for parking to be accommodated on site
- Elevation treatments have been designed to reflect the overall building heights in the area, with the front gable style balcony screens reflecting gable features at Letchford House and elsewhere
- **Planning Statement:** Public House has been closed for two years and has been vacant since then, despite active marketing
- Scheme has evolved following discussions with Harrow Council officers and the Metropolitan Police Designing Out Crime Officer
- Scheme was subject to consultation with residents who were generally supportive of the proposals
- Proposal would represent a windfall site that would contribute to the provision of housing in the borough and the Pinner and Hatch End area
- Public house has been actively marketed since November 2012
- Loss of Locally Listed Building is acceptable as benefits of the scheme outweigh the harm of the loss. Renovation and conversion of the building is not commercially viable
- The proposed dwellinghouses would comply with the relevant space standards
- The separation distances between habitable windows in comparable to other separation distances in the area
- **Heritage Statement:** The submitted heritage statement assesses the history of the

property and gives information regarding the architect. The Statement concludes that the building is of low heritage significance.

- **Sustainability Statement:** Development would achieve Level 3 of Code for Sustainable Homes
- Development would benefit from photovoltaic panels
- Water efficiency measures would achieve maximum daily water usage of 105 litres/person/day
- Cycle storage would encourage sustainable travel
- **Bat Survey:** No evidence of past or present use by roosting bats was recorded and further surveys or mitigation is not required. It is recommended that a bat box be provided

### Consultations:

**Hatch End Association:** We have several reservations about this proposal: Loss of a Locally Listed Building. We regret the proposed loss of this locally listed building of a public house which has been in the area for nearly 200 years. However, we accept that having been rebuilt in 1928 it does not have great architectural merit and its use in recent years has attracted social disorder. We note that the proposed 6 terraced houses are intended to reflect the cottages in Letchford Terrace but the proposed rooms in the roof would give a bulky appearance out of character with the rest of the Street.

On final reflection we consider that this proposal is an overdevelopment of the site to the detriment of incoming residents by reason of providing cramped living quarters. The mass and height of the overall building would be out of character in Letchford Terrace. Four two storey townhouses would be preferred.

**Pinner Local History Society:** Given that the public house is to be demolished, the proposed terrace is much too obtrusive in this setting and its design ought to be revised. The Letchford Arms is a locally listed building, and while the law does not prevent its demolition, that is no reason for the proposed development to cancel everything that the listed building meant for this area, small though it is.

The site is in a distinct enclave of three or four streets comprising two-storeyed houses, and one two-storeyed block of flats. It presents a very homogenous appearance and skyline, especially from Headstone Lane. The pub stands between the two terraces of 19th century cottages, with discernible space between it and them, punctuating the centre of the street scene facing Headstone Lane. This setting is an important part of its value.

The applicant's Design & Access Statement says, on page 8:

"Critically the road frontage is a focal point in the streetscape set back from the small green running parallel to Headstone Lane. The position of buildings alongside and around the green read together to form what is a pleasant urban setting that alleviates the linear street frontages.

"The site is at a pivotal position within the local context defining the green. It is important that any frontage to a new proposal reflects this character in the design. Within the site the amenity and environmental contribution needs to be enhanced."

Yet, the proposed new terrace of houses does not recognise this value. It does not alleviate the linear street frontage but instead it adds to it. It fills the whole of the pub site, including the spaces at the sides, and it carries a third floor, though slightly set back at the street frontage. The result is a cramming of the street-scape, both sideways and,



very obtrusively, upward.

Too many houses are being squeezed onto the site. They are muscling in. If there must be three storeys, then fewer houses should be built to reduce the presently proposed oversized appearance, and give some space between the terraces. The matching of the eaves lines is laudable, but the fake gables with an office-like third storey look odd here. The present proposals should be revised.

Historical note - this does not affect the argument, but does correct the facts as stated. The pub and the two Victorian terraces were all built by the landlord of the Letchford Arms while this area was still considered as Hatch End. The census of 1871 shows people living at the pub and in the first (southern) terrace of six cottages. The description of the map shown in the Heritage Statement, Appendix 1.1, as Ordnance Survey 1879, is, I think, erroneous. In 1873 the licensee was Mrs. Elizabeth Mold, who, with her husband George, had previously run The Alma at Harrow Weald (now demolished). Alterations were made to the building in 1910 and 1928, but it was not demolished and rebuilt in that year.

See 'The Letchford Arms, Headstone Lane' in The Pinn No. 2, pub. Pinner Local History Society 1986, of which there is a copy at the Harrow Local History Library.

**Design and Conservation Officer:** This proposal would see the loss of the locally listed Letchford Arms public house for which the local list description reads: 'Originally dating to 1896 (stables and public house), it was rebuilt in 1928 to a design by JCF James, although original stables remain'.

It is regrettable that this proposal would see the loss of the locally listed building which has been identified as of local importance to the borough. It is stated in the Locally Listed Buildings SPD that locally listed buildings in the borough are selected due to their 'particular special local historical and/or architectural merit. These buildings/structures reinforce local distinctiveness and a sense of place and their local value deserves recognition through inclusion on the Local List for Harrow'.

The SPD states that: 'Therefore, when the Council considers any planning application for works to a locally listed building they will take its special local architectural or historic interest into account before making a decision. The Council will also strongly discourage the demolition of any buildings on the local list and will seek to encourage their retention, restoration and continued beneficial use wherever possible'.

The pre-application advice sought strongly encouraged the retention of the locally listed building. However, it is noted that given this building is not within a conservation area planning permission is not required for its demolition.

It is also noted that the pre-application advice noted that if sustainability measures could be demonstrated and that marketing without success could be demonstrated then demolition would be acceptable. These factors are demonstrated by the application.

The assessment of significance provided is useful additional information and value judgments on the significance of the locally listed building.

In accordance with the Locally Listed Buildings SPD and paragraph 141 of the NPPF It is requested that a thorough and comprehensive photographic survey be provided to

supplement that shown in the Design and Access Statement.

### **Highways Authority: Parking provision**

The one parking space provision per 3 bedroom unit provided is within the London Plan 2011 maximum parking standards hence this level of provision is considered acceptable given the relatively low public transport sustainability of the location as it reduces potential detrimental overspill onto the highway which is to be avoided.

### **Access/Trip Generation**

Currently there is a very wide single access that emerges directly onto Letchford Terrace and it is proposed to provide 6 new access points for each of the units. This will entail the creation of 6 separate carriage crossovers and is to be funded by the applicant. As normal the access provisions should not exceed the council's maximum allowable width of 3.6m.

Traffic generation will increase as compared to the existing relatively 'low key' dormant public house use however the 6 units are statistically unlikely to generate more than 4-5 movements at am and pm peak traffic periods i.e. on average one vehicle movement into/out of the site every 10 minutes hence their impact is considered minimal in measurable highway impact terms as compared to overall traffic flows in the area and therefore the proposal is acceptable in this respect.

### **Cycle Parking**

A total of 12 secure and accessible spaces should be provided (2 per unit) in line with The London Plan 2011 standards.

### **Operational Refuse requirements.**

The bin store arrangement proposed conforms to Department for Transport guidance and the Council's Refuse Code of Practice which encourages bin placement to be within 10m of the point of pick up which in this case would be directly off Letchford Terrace. Collections would generally be concentrated off-peak avoiding peak hour and are therefore unlikely to affect residential amenity to any measurable degree.

### **Summary**

The proposal is broadly acceptable in principle hence there is no objection.

**Drainage Engineers:** Conditions regarding drainage would be required.

**Biodiversity Officer:** No objection

### **Notifications:**

Sent: 12

Replies: 4

Expiry: 02-Jan-2014

### **Site Notices:**

2 site notices posted (one in Letchford Terrace, one in Chantry Road) on 18-Dec-2013

Expiry: 8-Jan-2014

### **Addresses Consulted:**

Letchford Terrace: 5, 6, 7, 8

Headstone Lane: 350 (Corner House, Corner Café, Flat A and Flat B)

Chantry Road: 8, 9, 10,11

### **Summary of Response:**

Design should be in keeping with two-storey terraces

Problems with parking would be exacerbated

Services may not be adequate to cope

Access to rear gardens should not be built on

No attempt has been made to employ new publicans and it appears that this is deliberate to enable this development

This public house was a community focal point and many other public houses are being lost

Proposal represents overdevelopment with six houses shoehorned into a site that is more suitable for three or four

Design is good, but does not fit with other properties in the area

Heritage Statement is misleading. The area is the original Hatch End and the Letchford Arms (and Letchford House) is named after a Pinner doctor. Loss of pub would be a shame not just for old Hatch End, but also for modern Hatch End

Front balcony would allow school gates to be overlooked

Proposal would detract from the historic character of this area in the name of profit.

### **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.'*

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

### **MAIN CONSIDERATIONS**

Principle of Development

Character and Appearance of the Area

Residential Amenity

Accessibility

Highways

Environmental Considerations

Equalities Statement

s17 Crime and Disorder Act

Consultation Responses

### **Principle of Development**

The Letchford Arms Public House is a Locally Listed Building. The Local List description states:

Originally dating to 1896 (stables and public house), it was rebuilt in 1928 to a design by JCF James, although original stables remain.

The National Planning Policy Framework [NPPF], at paragraph 135, notes that the effect

of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 136 of the NPPF states that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will take place after the loss has occurred.

Policy 7.8.C of The London Plan requires developments to identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate. This policy is supported and reflected in policy CS1.D of the Harrow Core Strategy and policy DM7 of the Harrow Development Management Policies Local Plan (DMP).

These policies are supported by the adopted Supplementary Planning Document: Locally Listed Buildings (SPD: LLB) which notes that locally listed buildings in the borough are selected due to their 'particular special local historical and/or architectural merit. These buildings/structures reinforce local distinctiveness and a sense of place and their local value deserves recognition through inclusion on the Local List for Harrow.

The SPD: LLB notes, at paragraph 1.5 that the control of works on a locally listed building is managed through the normal planning process.

Paragraph 1.5 states that:

'Therefore, when the Council considers any planning application for works to a locally listed building they will take its special local architectural or historic interest into account before making a decision. The Council will also strongly discourage the demolition of any buildings on the local list and will seek to encourage their retention, restoration and continued beneficial use wherever possible'.

The SPD: LLB also notes, at paragraph 1.6, that one of the purposes of a local list is to ensure that the special interest of these buildings and their contribution to local distinctiveness is recognised when decisions are made affecting their future.

Paragraph 2.9 notes that the inclusion of a building on the Local List is not primarily intended to *restrict* development, but will seek to ensure that any proposals *take into consideration the local significance of the building*.

Paragraph 3.24 notes that the Council will endeavour to protect Locally Listed buildings from demolition where appropriate. However, planning permission is not required for the demolition of a locally listed building that is not located in a Conservation Area. The notice period associated with proposals that would result in the total loss of a Locally Listed building allow for a record of the structure and its setting to be made prior to demolition.

To summarise, when an application that would involve the total loss of a Locally Listed building is made, the Council will give appropriate weight to the implications to local character and historic significance of the loss and will require a higher level of analysis and recording of the buildings to be lost than would be the case for buildings which are not included on the Local List. The onus on demonstrating that the total loss of a Locally Listed Building can be justified in terms of other benefits in terms of the policies and proposals of the development plan rests with the applicant.

With this application, the applicants have demonstrated, in the Planning Statement, that

the renovation and reuse of the existing building is not commercially viable. The applicants have also demonstrated that the resultant development would incorporate sustainability measures (including compliance with Level 3 of the Code for Sustainable Homes); which could not be achieved with the existing buildings.

The applicants have also supplied a comprehensive analysis of the existing building. This concludes that the main part of the public house is of early twentieth century design and little, if any, of the original late nineteenth century public house building remains. The original stable block is not shown on the 1896 Ordnance Survey map, but is included on the 1913 map. This structure has been repointed using modern materials and the interior retains no original features.

The comments of the Pinner Local History Society regarding the provenance of a public house on this site are noted. However, officers have examined maps of the area dating back to 1877 and the earliest record of a building on the site is included on the 1879 map, as indicated by the applicants in the Heritage Statement.

In terms of the historic character and significance of the building, officers agree with the applicants that any interest is restricted to the exterior of the building as the interior has been remodelled since the public house was rebuilt in 1928.

The comments of the Pinner Local History Society with regard to the public house being a focal point in the terrace are noted. The existing building does provide a visual break in the street between the two sections of housing in Letchford Terrace. The proposed replacement terraced houses would not represent a continuation of the existing terraces, but rather would provide an element of articulation within the streetscene that would provide a new and different focus of attention.

The historic significance of the building is recognised. It has been the location of a public house for approximately 120 years, and the existing public house building has been on the site for approximately 85 years. The loss of this building, of recognised historic local townscape merit is regretted. Officers recognise that the applicants have comprehensively addressed the historic significance and features of the building. In addition, the applicants have also demonstrated that redevelopment of the site including the retention of the original buildings is not viable.

The Locally Listed Buildings Supplementary Planning Document notes that the primary purpose of local listing is to allow for recording and enhancement (where possible) of buildings that do not qualify for statutory listing and to recognise the importance of the buildings in terms of the character of the area within which the buildings are located and their place in the history of the development of the borough as a whole. Notwithstanding the above, the SPD also notes that the inclusion of a building in the local list is not primarily intended to restrict development.

On balance, it is considered that the benefits of the proposal, detailed in following sections of this report, are sufficient to outweigh the harm that would result to the area and historic significance of the building through its demolition. Officers are also mindful that, given this building is not within a conservation area and not statutorily listed, planning permission is not required for its demolition.

The Locally Listed Buildings SPD and paragraph 141 of the NPPF recommends that a thorough and comprehensive photographic survey be provided to supplement the

information shown in the Design and Access Statement. A comprehensive report regarding the significance of the Locally Listed Building has been provided by the applicants, and Council officers have completed a photographic survey of the building, the results of which is available for inspection by members of the public.

Given the analysis of the building that has been supplied, and the benefits that would result from the redevelopment of the site, officers consider that the proposal has satisfied the tests of policy DM7, as amplified by the Supplementary Planning Document: Locally Listed Building.

In addition to this, the building is a public house. This is considered to be a community facility. Policy DM47: Retention of Existing Community, Sport and Education Facilities sets out the criteria for the loss of public houses.

The policy states:

A. Proposals involving the loss of an existing community, sport or educational facility will be permitted if:

- a. there is no longer a need for that facility (having regard to the amount of local patronage, the quality of facilities offered and the duration and extent of marketing. (For proposals involving the loss of a public house, evidence of 12 months' suitable marketing activity will be required or evidence that the public house is no longer financially viable through the submission of trading accounts, or other similar financial evidence, whilst the pub was operating as a full time business)); or
- b. there are adequate similar facilities within walking distance which offer equivalent provision; or
- c. the activities carried on are inconsistent and cannot be made consistent with acceptable living conditions for nearby residents, or
- d. the redevelopment of the site would secure an over-riding public benefit.

B. Proposals for the redevelopment of community or educational facilities that secure enhanced re-provision on the site, or on another site which improves accessibility, will be supported.

With regards to the loss of public houses, one available policy test is a requirement to provide evidence of at least 12 months' suitable marketing activity.

The public house was closed following the service of a court order in January 2012.

In November 2012, the brewery owners had failed to secure a tenant and public house was offered to rent through Star Pubs and bars (as 'The Inn at Harrow') as a Regular Pub with some Food. The pub was offered as being renamed and refurbished. This marketing was sent to over 5,000 operators and advertised on the website for over six months. This marketing did not specify any rental value to allow potential lessees to negotiate a lease value.

This initial marketing attracted no interest, and subsequently a number of lessees in the area were contacted in a form of targeted marketing. The feedback from the targeted marketing referred to concerns regarding to the pub's previous undesirable reputation and its location

Following the acquisition of the site by S2 Estates in May 2013, the public house was

later offered for rent, through Davis Coffey Lyons, with a new lease in the region of £60,000 a year. The lease has been offered with a nil premium, meaning that no initial deposit would be required. The lease figure of £60,000 was considered to be comparable with other public houses in the area and would have represented a starting point for negotiations. The applicants have demonstrated that lease values for other pubs in the area, namely 'The Fusilier' in Harrow Road, Wembley, 'The Rising Sun' in Greenford Road, 'The Spanish Arch' in Belmont Circle and 'The Laurels' in High Road, Harrow, range from £45,000 to £90,000 per annum.

There were no expressions of interest as a result of this marketing exercise.

It is considered that the applicants have demonstrated that the public house has been actively marketed since November 2012.

While the loss of the community facility is regrettable, the applicants have supplied sufficient evidence to satisfy the test of policy DM47 and the benefits of the scheme would outweigh the harm of the loss of the public house.

The proposal would provide an additional six dwellinghouses on an unallocated site. This would represent a windfall provision that would contribute to the target of providing additional homes in the borough, as identified in core policies CS1.H and CS6.J of the Core Strategy. This would be in accordance with policies 3.3 and 3.4 of The London Plan which seek to increase housing supply and optimise housing potential.

### **Character and Appearance of the Area**

The Council has adopted a Supplementary Planning Document: Residential Design Guide (2010) that supports design policies 7.4 and 7.6 of The London Plan, policy CS1.B of the Harrow Core Strategy and policy DM1 of the Development Management Policies (DMP).

The design policies of the development plan require that new development proposals should respect the scale and character of the area, and require the Council to ensure that all development proposals achieve a high standard of design and layout, taking into consideration, amongst other things, site and setting, and context, scale and character. New development should have regard to the character and landscape of the locality, and buildings should complement the wider area, and should respect the scale and character of the surrounding area.

The design of the proposed dwellinghouses has evolved from the initial design presented at the pre-application stage. The dwellinghouses would be of a similar overall height and width to the terraced dwellinghouses on either side of the site. In terms of the depth of the dwellinghouses, these would match the depth of neighbouring properties on both the ground and first floors.

The design departs from the character of the neighbouring terraces in some distinct ways.

The houses have been designed with flat, rather than traditional pitched, roofs. This top floor is an alternative to a traditional pitched roof with rear dormer windows. The front elevation of the top floor is set 2.5 metres to the rear of the first floor front elevation. This provides a front terrace area and would reduce the appearance of bulk of the top floor when viewed from the street. The terrace area of each house would be screened by a

triangular feature which has been designed to replicate gable features elsewhere in the area. The applicants have proposed that this top floor be finished in an alternative material (hanging tiles) to the render on the lower floors.

In addition, the ground floor of the dwellinghouses is set in from the first floor front elevation, providing a 2m recessed area. This feature has been designed to allow for parking spaces to be provided in the front gardens. Following advice from officers and the Metropolitan Police Designing Out Crime Officer, the extent of the first floor oversail was reduced from that initially proposed at the pre-application stage, and dwarf walls with soft landscaping separating the individual dwellinghouses were introduced.

Facilities for the storage of waste bins and of bicycles have been incorporated into the fabric of the buildings. Officers consider that this is an appropriate design response and is in accordance with the requirements of policy DM1 in this regard. A condition requiring the refuse bins to be stored in the designated area, other than on collection days, is recommended to prevent visual clutter in front gardens.

Officers consider that the design of the dwellinghouses represents a suitable solution for the area and that the development would complement the existing character of the area and would add to the townscape of this historic part of Hatch End.

It is noted that indicative materials palettes have been supplied. There is a discrepancy between the materials described in the Design and Access Statement and the application drawings. Therefore, it is recommended that a condition requiring samples of the proposed materials, including rainwater goods, be supplied in order to ensure that a satisfactory form of development is provided.

The provision of individual facilities for satellite / television reception at each of the properties would result in visual clutter in the streetscene and would detract from the design of the dwellinghouses. Therefore, a suitable condition requiring details of satellite / television reception, including communal facilities if feasible, is also recommended to safeguard the character and appearance of the development and the area.

The front gardens of the properties would be chiefly hard surfaced. In some respects this would be contrary to the aims of policy DM23 which seeks to enhance streetside greenness and forecourt greenery. This is, in part, a consequence of the provision of off-street parking for each property. If parking were not provided, this would add to parking pressure on the street, which the Highways Authority considers should be avoided. Therefore, on balance, the level of hard landscaping at the properties is considered acceptable. Notwithstanding this, the submitted drawings indicate that there is some scope for soft landscaping in the front gardens and a condition requiring details of hard and soft landscaping to be submitted, approved and implemented is recommended.

The design of the dwellinghouses is such that the maximum potential for the site has been achieved. In order to safeguard the character and appearance of the area, and of residential amenities of the future occupiers and of adjoining residents, it is considered appropriate that permitted development rights in classes A (extensions and alterations), B (extensions to the roof), C (alterations to the roof) D (porches), E (Outbuildings), F (hard surface in front garden) and H (microwave antennae) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) be removed.



Any provision of walls and fences in the front gardens could restrict visibility of the parking areas, could have a detrimental impact on the character and appearance of the dwellinghouses and the area, and could provide opportunities for crime. It is considered appropriate to remove permitted development rights in Part 2 of Schedule 2 of the GPDO for the front garden to ensure that additional fences are not installed without planning permission.

### **Residential Amenity**

Policy 7.6 of The London Plan and policy DM1 seek to safeguard the residential amenities of existing and future residential occupiers of residential development and neighbouring sites.

The dwellinghouses have been designed to safeguard the residential amenities of neighbouring occupiers. The building lines of properties to the north and south have been respected at both ground and upper floor levels such that the new dwellinghouses would not have an overbearing impact when viewed from neighbouring properties.

The separation distance between the first and second floor rear windows and the rear windows of the properties at 8, 9, 10 and 11 Chantry Road is only 17m. Paragraph 4.75 of the Residential Design Guide notes that the degree of overlooking between buildings can vary significantly within the urban environments. New development must have regard to the character of its location and ensure that reasonable levels of privacy for existing, neighbouring occupiers are maintained.

At this site, a similar separation distance between habitable windows at Nos. 7-16 Letchford Terrace and Nos. 4-8 Chantry Road is provided. It is also noted that the existing first floor windows of the public house, which had been in residential use, are approximately 18m from the rear windows of Nos. 10 and 11 Chantry Road. Given these site circumstances, the separation distance proposed is considered acceptable in this case.

The ground floor projection would have a flat roof, and this has been indicated in the submitted drawings to be a brown roof with no access from the first floor of the building. Any use of this roof as a balcony or roof terrace would result in unacceptable overlooking of neighbouring properties, and therefore an operational condition preventing such use is recommended.

In terms of the residential amenities of future occupiers of the dwellinghouses, each of them would provide a standard of accommodation, in terms of the gross internal area and of individual room sizes and provision of facilities, that is in accordance with policy 3.5 of The London Plan and associated table 3.3, as amplified by the Mayor's Supplementary Planning Guidance: Housing.

Five of the dwellinghouses would have a relatively modest rear gardens, ranging from 45m<sup>2</sup> to 51m<sup>2</sup>. However, this is comparable to the properties at Nos. 7-16 Letchford Terrace and would be supplemented by the front terrace area. The remaining house would have a garden of 80m<sup>2</sup>. It is considered that a suitable level of amenity space would be provided, in accordance with policy DM27.

### **Accessibility**

The applicants have stated, in the Planning Statement, that the dwellinghouses would comply with the requirements of Lifetime Homes, as required by policies 3.5, 3.8 and 7.2

of The London Plan, core policy CS1.K of the Harrow Core Strategy and policies DM1 and DM2.

The drawings and information submitted with the application confirm compliance with the requirements of Lifetime Homes. Further details regarding this aspect of the proposal are not required as compliance can be achieved through the condition requiring the development to be completed in accordance with the approved documents and drawings.

### **Highways**

The one car parking space provision per 3 bedroom unit provided is within the maximum parking standards noted in Table 6.2 attached to policy 6.13 of The London Plan. This level of provision is considered acceptable given the relatively low public transport sustainability of the location as it reduces potential detrimental overspill parking onto the highway, as required by policy DM42.

Currently there is a very wide single access to serve the public house that emerges directly onto Letchford Terrace and it is proposed to provide 6 new access points, one for each of the dwellinghouses. This will entail the creation of 6 separate carriage crossovers and is to be funded by the applicant. The access provisions should not exceed the council's maximum allowable width of 3.6m. An informative regarding this aspect of the proposal is recommended.

As a result of the development, traffic generation will increase as compared to the existing relatively 'low key' dormant public house use. However, the six dwellinghouses are statistically unlikely to generate more than 4-5 movements at am and pm peak traffic periods (i.e. on average one vehicle movement into/out of the site every 10 minutes) hence their impact is considered minimal in measurable highway impact terms as compared to overall traffic flows in the area and therefore the proposal is acceptable in this respect.

For a development such as this, a total of 12 secure and accessible cycle spaces should be provided (2 per dwellinghouse) should be provided in line with the requirements of policy 6.9 of The London Plan and policy DM42.

The applicants have indicated a secure bicycle storage area which would be incorporated into the fabric of the front elevations of the dwellinghouses to meet this requirement.

Given the nature of the site and its surroundings, a Construction Method and Logistics Statement would be required to ensure that disruption in the area during the redevelopment of the site is minimised, in line with policy DM44 of the Development Management Policies Local Plan.

### **Environmental Considerations**

The applicants have submitted a Sustainability Statement which confirms that the development would achieve Level 3 of the Code for Sustainable Homes. This is in accordance with policies 5.2 and 5.3 of The London Plan, core policy CS1.T of the Harrow Core Strategy and policy DM12.

A condition regarding this aspect of the proposal is not required as compliance can be achieved through the condition requiring the development to be completed in

accordance with the approved documents and drawings.

Given the age and location of the building, standing advice from Natural England suggested that it could be used by roosting bats. A bat survey submitted with the application confirmed that no bats were present at the building.

Notwithstanding this, given the location of the site in proximity (120m) to playing fields to the west and other open spaces in the vicinity, the proposal represents an opportunity to enhance biodiversity at the site, in line with the recommendations of policy 7.19 of The London Plan and policies DM20 and DM21 of the Development Management Policies. Therefore, a suitable condition requiring the provision of at least one bat tube and a bird brick or box for a London Biodiversity Action Plan species such as swifts, house sparrow or starling is recommended.

The applicants have submitted indicative details of sustainable drainage at the property.

Notwithstanding this, a suitable scheme of drainage would need to be provided, and therefore conditions regarding the provision of surface water storage, attenuation and drainage are recommended, in accordance with policy 5.13 of The London Plan and policies DM9 and DM10 of the DMP in order to ensure that the development does not give rise to flooding.

### **Equalities Statement**

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.

On balance, it is considered that the proposal would have no impact with regard to section 149 of the Equalities Act 2010.

### **S17 Crime & Disorder Act**

The design of the parking area could provide opportunities for crime at the development. The applicants have sought the advice of the Metropolitan Police Designing Out Crime Officer (DOCO) who recommended that lighting is used in the undercroft area with reflective white paint to maximise the light. The DOCO also recommended a video entry system.

If these details, together with other recommendations regarding, are implemented, the proposal would comply with the principles and practices of Safer Places and Secured by Design, as required by policy 7.3 of The London Plan and section 17 of the Crime and Disorder Act.

A suitable condition is therefore recommended.

### **Consultation Responses**

Design should be in keeping with two-storey terraces – *Officers consider the design would complement the character of the area*

Problems with parking would be exacerbated – *The level of parking provision is within the maximum standards of The London Plan and this has been addressed in section 5 above*

Services may not be adequate to cope – *This is not a material planning consideration. However, water usage at the properties is designed to be 105 litres per person a day. Details of drainage would need to be approved by the Local Planning Authority and the Council's Drainage Engineers*

Access to rear gardens should not be built on – *the accesses would be maintained*

No attempt has been made to employ new publicans and it appears that this is deliberate to enable this development – *the applicants have demonstrated that the property has been marketed as a public house for many months without success*

This public house was a community focal point and many other public houses are being lost – *the public house has been closed for some considerable time*

Proposal represents overdevelopment with six houses shoehorned into a site that is more suitable for three or four – *the dwellinghouses are of similar sizes to the existing terraced properties in the street and the density is within the recommendations of The London Plan*

Design is good, but does not fit with other properties in the area – *Officers consider the design to be a suitable modern interpretation of terraced housing that would contrast with and also complement the existing housing*

Heritage Statement is misleading. The area is the original Hatch End and the Letchford Arms (and Letchford House) is named after a Pinner doctor. Loss of pub would be a shame not just for old Hatch End, but also for modern Hatch End – *The naming of the pub is noted. Marketing has demonstrated that the public house is not a viable concern*

Front balcony would allow school gates to be overlooked – *The front balconies are some 100m from the front gates of Hatch End and Shaftesbury Schools*

Proposal would detract from the historic character of this area in the name of profit – *Officers consider that the proposal would complement the historic nature of the area and the developers have demonstrated that the retention, refurbishment and re-use of the existing buildings on site is not viable.*

### **CONCLUSION**

The proposal would result in the loss of a Locally Listed Building that provides a community facility.

However, it would result in the provision of six dwellinghouses which would complement the character of the area and provide a high standard of accommodation that would not be detrimental to the amenities of neighbouring occupiers.

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

### **CONDITIONS**

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

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

2 Other than as required by conditions 3, 5, 13 and 14, the development hereby permitted shall be carried out in accordance with the following approved plans:

12446\_05\_00-D1; 12446\_05\_01-D1; 12446\_05\_02-D1; 12446\_15\_00-D1;  
12446\_15\_01-D1; 12446\_15\_02-D1; 12446\_15\_03-D1; 12446\_20\_00-D1;  
12446\_30\_00-D1; 12446\_30\_01-D1; 12446\_30\_02-D1; 12446\_30\_03-D1;  
12446\_H\_60\_00-D1; 12446\_H\_60\_01-D1; 12446\_99\_01-D1; 12446\_99\_02-D1; Design and Access Statement; Planning Statement; Sustainability Statement; Heritage Statement; Bat Survey Report

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

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

a: the buildings

b: the ground surfacing

c: 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, as required by policy DM1 of the Harrow Development Management Policies Local Plan (2013).

4 No demolition or site works in connection with the development hereby permitted shall commence before the boundary 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, as required by policy DM1 of the Harrow Development Management Policies Local Plan (2013).

5 Notwithstanding the details on the submitted drawings, the development hereby permitted shall not be occupied 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 on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed.

Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

Hard Landscape works shall include details of ground surfacing and car parking.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, as required by policies DM1 and DM23 of the Harrow Development Management Policies Local Plan (2013).

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, as required by policies DM1 and DM23 of the Harrow Development Management Policies Local Plan (2013).

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

REASON: to safeguard the appearance of the locality, as required by policy DM1 of the Harrow Development Management Policies Local Plan (2013).

8 No development shall take place, including any works of demolition, until a Construction Method and Logistics 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 a detailed timeline for the phases and implementation of the development
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- v. storage of plant and materials used in constructing the development
- 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 ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the adjoining properties, in accordance with policies 7.4 and 7.6 of The London Plan 2011 and policies DM1 and DM44 of the Harrow Development Management Policies Local Plan (2013).

9 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water and surface water storage / attenuation works 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, as required by policies DM9 and DM10 of the Harrow Development Management Policies Local Plan (2013).

10 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'.
3. the provision of video entry systems to the dwellinghouses and details of white reflective paint for the undercroft areas.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with policy 7.3 of The London Plan (2011), policy DM1 of the Harrow Development

Management Policies Local Plan (2013) and Section 17 of the Crime & Disorder Act 1998.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, C, D, E, F or H 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 and the amenities of neighbouring occupiers, pursuant to policies 7.4 and 7.6 of The London Plan (2011), policy CS1.B of the Harrow Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies (2013).

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Part 2 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 and the amenities of neighbouring occupiers and to ensure adequate natural surveillance of the parking areas, pursuant to policies 7.3, 7.4 and 7.6 of The London Plan (2011), policy CS1.B of the Harrow Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies (2013).

13 The roof area of the ground floor rear projection shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON: To safeguard the residential amenities of neighbouring occupiers, pursuant to policy 7.6 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).

14 Notwithstanding the details on the submitted drawings, the development hereby permitted shall not proceed above damp proof course until details of a strategy for the provision of facilities for television reception (e.g. aerials, dishes and other such equipment) have been submitted to, and approved in writing by, the local planning authority. Such details should include the specific size and location of all equipment. The approved details shall be implemented prior to the first occupation of the development and shall be retained thereafter and no other television reception equipment shall be introduced onto the walls or roofs of the approved development without the prior written approval of the local planning authority.

The details should include provision of communal facilities for television reception if feasible.

REASON: In order to prevent the proliferation of individual television reception items on the building to the detriment of the visual amenity of the area, in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013).

15 Notwithstanding the details on the submitted drawings, the development hereby permitted shall not proceed above ground floor damp proof course level until details of biodiversity measures, specifically the creation of bird and bat habitats on the buildings, have been submitted and approved in writing by the local planning authority. The development shall not be occupied or used until those external works have been completed in accordance with the approved details. The works shall thereafter be

retained.

REASON: To safeguard the ecology and biodiversity of the area and in the interests of habitat creation and enhancement in line with the requirements of policy 7.19 of The London Plan (2011) and policies DM20 and DM21 of the Harrow Development Management Policies Local Plan (2013).

## **INFORMATIVES**

1 The following policies are relevant to this decision:

National Planning Policy

National Planning Policy Framework (2012)

The London Plan (2011)

3.3 Increasing housing supply

3.4 Optimising Housing Potential

3.5 Quality and design of housing developments

3.8 Housing Choice

5.2 Minimising carbon dioxide emissions

5.3 Sustainable design and construction

5.13 Sustainable drainage

6.9 Cycling

6.13 Parking

7.2 An inclusive environment

7.3 Designing out crime

7.4 Local character

7.6 Architecture

7.8 Heritage assets and archaeology

7.19 Biodiversity and Access to Nature

Mayor of London Supplementary Planning Guidance: Housing (2012)

London Biodiversity Action Plan (2008)

Harrow Core Strategy (2012)

Core Policy CS1

Core Policy CS6

Harrow Development Management Policies Local Plan (2013)

DM1 Achieving a High Standard of Development

DM2 Achieving Lifetime Neighbourhoods

DM7 Heritage Assets

DM9 Managing Flood Risk

DM10 On Site Water Management and Surface Water Attenuation

DM12 Sustainable Design and Layout

DM20 Protection of Biodiversity and Access to Nature

DM21 Enhancement of Biodiversity and Access to Nature

DM23 Streetside Greenness and Forecourt Greenery

DM27 Amenity Space

DM42 Parking Standards



DM44 Servicing

DM47 Retention of Existing Community, Sport and Education Facilities

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Locally Listed Buildings (2013)

## 2 INFORMATIVE:

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

## 3 INFORMATIVE:

The 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](mailto:communities@twoten.com)

## 4 INFORMATIVE

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 INFORMATIVE: MAYOR OF LONDON COMMUNITY INFRASTRUCTURE LEVY

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 £24,780 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 £21,910 for the application, based on the levy rate for Harrow of £35/sqm and the stated floorspace of 626 sqm

You are advised to visit the [planningportal](http://planningportal.gov.uk) website where you can download the appropriate document templates.

## 6 INFORMATIVE: HARROW COMMUNITY INFRASTRUCTURE LEVY

Harrow has a Community Infrastructure Levy 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 will be charged from the 1st October 2013. Any planning application determined after this date will be charged accordingly.

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.

The Harrow CIL Liability for this development is: £68,860

## 7 INFORMATIVE

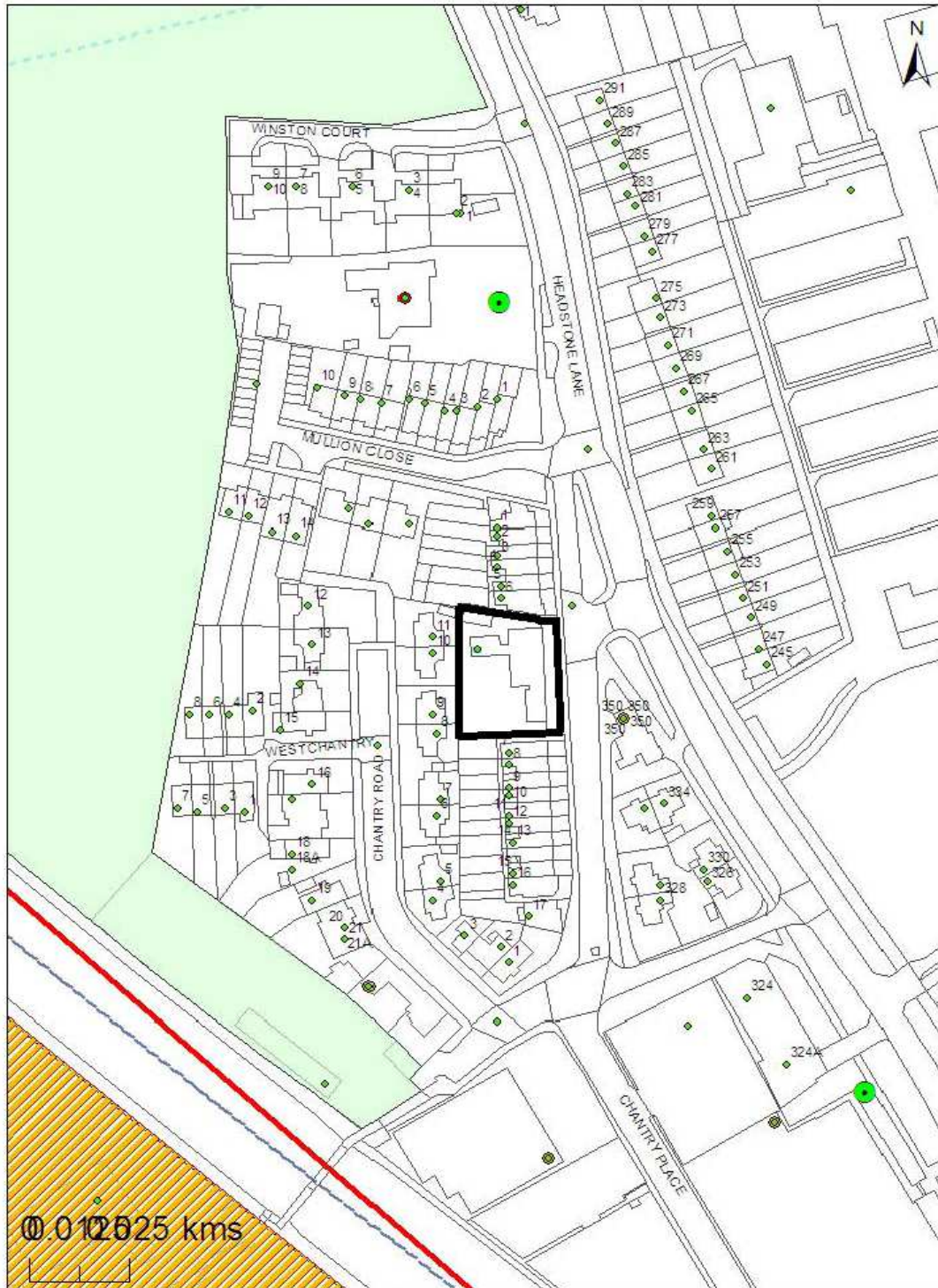
Notwithstanding the note on your submitted plan(s), this decision has been made on the basis of measurements scaled from the plan(s), unless a dimensioned measurement overrides it.

## 8 INFORMATIVE

The applicant is advised to contact the Council's Highways Crossings Officer on 020 8424 1799 or by email to [frank.cannon@harrow.gov.uk](mailto:frank.cannon@harrow.gov.uk) in relation to the construction of the crossovers and the reinstatement of the footway.

Plan Nos: 12446\_05\_00-D1; 12446\_05\_01-D1; 12446\_05\_02-D1; 12446\_15\_00-D1; 12446\_15\_01-D1; 12446\_15\_02-D1; 12446\_15\_03-D1; 12446\_20\_00-D1; 12446\_30\_00-D1; 12446\_30\_01-D1; 12446\_30\_02-D1; 12446\_30\_03-D1; 12446\_H\_60\_00-D1; 12446\_H\_60\_01-D1; 12446\_99\_01-D1; 12446\_99\_02-D1; Design and Access Statement; Planning Statement; Sustainability Statement; Heritage Statement; Bat Survey Report; Supplementary Marketing Report

# LETCHFORD ARMS PUBLIC HOUSE, LETCHFORD TERRACE, HARROW



© Crown copyright and database rights 2012 Ordnance Survey 100019206  
DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2010)  
Cities Revealed® aerial photography copyright The GeoInformation® Group, 2010



## SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

Item No: 3/01  
Address: 380 HIGH ROAD, HARROW  
Reference: P/3600/13  
Description: SINGLE STOREY FRONT TO SIDE EXTENSION; DEMOLITION OF EXISTING GARAGE AT FRONT  
Ward: HARROW WEALD  
Applicant: Mrs Saabra Deen  
Agent: T R Harris (Design & Surveying) Services Ltd  
Case Officer: GERARD LIVETT  
Expiry Date: 30-JAN-14

### RECOMMENDATION

**REFUSE** planning permission, for the following reasons:

### REASONS

1 The proposed single storey front extension, by reason of excessive bulk, forward projection and siting in close proximity to the existing bay window, would be unduly obtrusive in the streetscene and detract from the appearance of the host dwelling, and the provision of an additional front door would represent an inappropriate form of development, to the detriment of the character of the host dwellinghouse and the visual amenities of the area, contrary to policy 7.4 of The London Plan (2011), core policy CS1.B of the Harrow Core Strategy (2012), policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

### INFORMATION

This application is reported to Planning Committee as the applicant is a member of staff and the application is excluded from Category 1(a) of the Scheme of Delegation by Proviso C(ii).

### Summary

**Statutory Return Type:** Householder Development

**Council Interest:** None

**Additional Floorspace:** 32 square metres

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

### Site Description

- The application site is on the east side of High Road and is occupied by a two-storey detached dwellinghouse
- The dwellinghouse is set to the rear of both neighbouring properties (No. 378 to the south No. 382 to the north)
- The property has a detached garage located to the side and front of the dwellinghouse
- This part of High Road is characterised by two-storey dwellinghouses, some of which have been converted into flats and some have mixed residential / commercial uses

### **Proposal Details**

- The application proposes the demolition of the detached garage and the construction of a single-storey front to side extension.
- This extension would be approximately 3.3m wide and a total of 15.2m deep, of which 5.5m would be forward of the front wall of the host dwellinghouse.
- The extension would be 2.7m high with a flat roof and rooflights would be set into the flat roof.
- The extension would have a set of patio doors on the rear elevation and would have a window and a door on the flank wall of the front extension which would face into the front garden of the site.

### **Revisions to previous application**

N/A

### **Relevant History**

HAR/17386 – Erection of garage  
Granted – 11-Oct-1960

HAR/17386/A – Widen vehicular access etc  
Granted – 21-Nov-1960

HAR/17386/B – Extension to lounge  
Granted – 11-Oct-1960

LBH/10708/1 – Erection of 2 storey extension to rear of dwellinghouse  
Granted – 10-Nov-1975

### **Pre-Application Discussion**

None.

### **Applicant Submission Documents**

None

### **Consultations:**

None

### **Notifications:**

Sent: 3

Replies: 0

Expiry: 27-Dec-2013

### **Addresses Consulted:**

High Road: 378, 382  
Elms Road: 7

### **Summary of Response:**

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.'*

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

### **MAIN CONSIDERATIONS**

Character and Appearance of the Area  
Residential Amenity  
Equalities Statement  
s17 Crime and Disorder Act  
Consultation Responses

#### **Character and Appearance of the Area**

The Council has adopted a Supplementary Planning Document: Residential Design Guide (2010) (SPD) that supports design policies 7.4 and 7.6 of The London Plan, policy CS1.B of the Harrow Core Strategy and policy DM1 of the Development Management Policies (DMP).

The design policies of the development plan require that new development proposals should respect the scale and character of the area, and require the Council to ensure that all development proposals achieve a high standard of design and layout, taking into consideration, amongst other things, site and setting, and context, scale and character. New development should have regard to the character and landscape of the locality, and buildings should complement the wider area, and should respect the scale and character of the surrounding area.

Paragraph 6.35 of the SPD notes that front extensions have the greatest potential impact on the character and visual amenity of the streetscene. Modern front extensions beyond the established building line can disrupt the harmony and architectural coherence of the streetscape.

However, small front porches and garage extensions may be permitted provided they reflect and complement the scale, design, quality and pattern of development in the surrounding street scene, relate to and complement the existing architectural design and materials of the existing building; and do not project significantly forward of front bay windows.

At this site, it is acknowledged that there is an existing detached garage forward of the dwellinghouse. However, this is a discrete structure. It is not linked to the main dwellinghouse, it is set away from the bay window and is located towards the side of the site.

The proposed front extension would in part replace this garage but would then link to a side extension and would be in close proximity to the bay window in the front elevation. The proposal would represent an excessively bulky addition at the front of the property and would result in an extension that was not subservient to the host building, and would represent an incongruous addition to the dwellinghouse that would be visually obtrusive in the streetscene and would detract from the character and appearance of the original dwellinghouse and the area.

The inclusion of an additional front door at the property, albeit one that would not be readily visible from the street, would result in the appearance of a property that had been divided into two residential units, rather than a single dwellinghouse. This would represent an inappropriate form of development that would be out of character with the pattern of development in the area

It is considered that the proposed front extension would not reflect and complement the scale, design, quality and pattern of development in the surrounding streetscene. Furthermore, it would not relate to or complement the existing architectural design of the existing building and would project significantly forward of the front bay window at the property.

The proposal would therefore fail to achieve the high standard of design required by the development plan, as amplified by the advice in the SPD, and would be detrimental to the character and appearance of the host dwellinghouse and the area.

It is noted that the dwellinghouse has not been extended to the rear, and an extension with a similar floor area to what is currently proposed could be achieved with a single-storey side to rear extension.

It is also noted that the layout of the proposed extension could allow for its conversion to a self-contained unit of accommodation. Had the proposal been acceptable, a condition restricting the use of the extension to be used solely for ancillary purposes in connection with the existing dwellinghouse would have been added.

### **Residential Amenity**

Policy 7.6 of The London Plan and policy DM1 seek to safeguard the residential amenities of existing and future residential occupiers of residential development and neighbouring sites.

With this proposal, the forward part of the extension would be a replacement of an existing structure at the site. The replacement would be slightly wider and higher and with more solid walls. The side extension would be located at a significant distance from the rear of the neighbouring property, No. 378 High Road.

Given the height and location of the proposed extension, and the lack of proposed windows in flank elevations adjoining 378 High Road, it is considered that the proposed extension would not have a significant adverse impact on the residential amenities of neighbouring occupiers.

The window and door in the flank elevation of the extension facing No. 382 High Road would be more than 10m from the boundary with that property and would not result in any unacceptable overlooking of that property.

### **Equalities Statement**

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.

On balance, it is considered that the proposal would have no impact with regard to section 149 of the Equalities Act 2010.

### **S17 Crime & Disorder Act**

The proposal would have no impact with respect to this legislation.

### **Consultation Responses**

N/A

### **CONCLUSION**

The proposed front extension, by reason of excessive bulk, forward projection and siting in close proximity to the existing bay window, would detract from the appearance of the host dwelling and be unduly obtrusive in the streetscene, to the detriment of the character of the host dwellinghouse and the visual amenities of the area.

The proposal, by reason of the provision of an additional front door, would represent an inappropriate form of development that would be out of character with the pattern of development in the area.

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

### **INFORMATIVES**

1 The following policies are relevant to this decision:

National Planning Policy

National Planning Policy Framework (2012)

The London Plan (2011)



7.3 Designing out crime  
7.4 Local character  
7.6 Architecture

Harrow Core Strategy (2012)

Core Policy CS1.B

Harrow Development Management Policies Local Plan (2013)  
DM1 Achieving a High Standard of Development

Supplementary Planning Document: Residential Design Guide (2010)

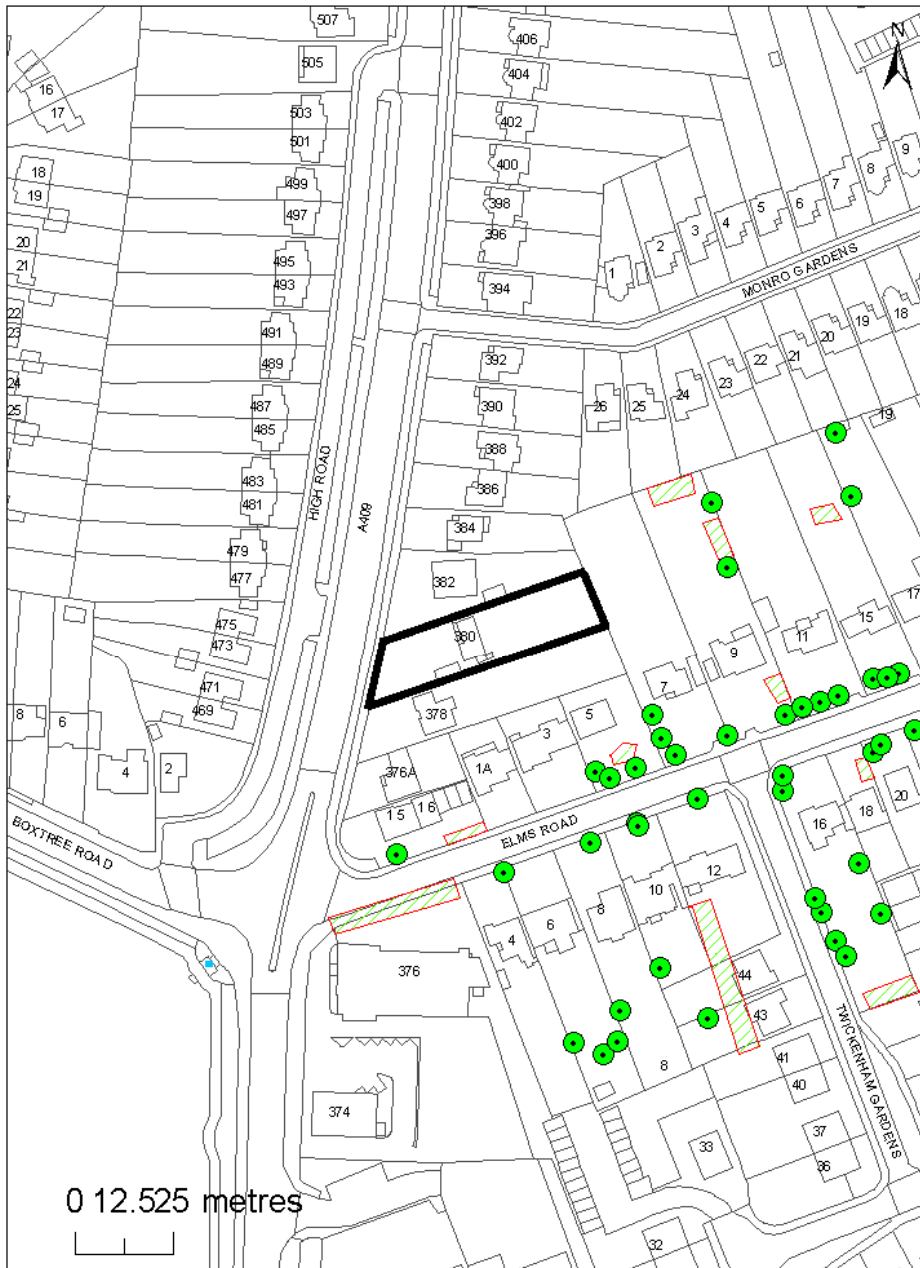
## 2 INFORMATIVE

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.

Plan Nos: 13/320HR/01; 13/320HR/02

### 380 HIGH ROAD, HARROW



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecutions or civil proceedings. London Borough of Harrow LA.100019206. 2011. DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2010)



## SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

Item No: 4/01

Address: 102-124 STATION ROAD, EDGWARE

Reference: P/0107/14

Description: CONSULTATION FROM A NEIGHBOURING AUTHORITY: DEMOLITION OF 120-124 STATION ROAD AND OUTLINE PLANNING PERMISSION (WITH ALL MATTERS OTHER THAN ACCESS RESERVED) FOR NEW BUILDINGS FROM 7-19 STORIES WITH PODIUM LEVEL TO PROVIDE UP TO 165 FLATS (USE CLASS C3), UP TO 1,450SQM FLEXIBLE COMMUNITY FLOORSPACE (USE CLASS D1/D2), 275SQM OF RETAIL/RESTAURANT FLOORSPACE (USE CLASS A1/A2/A3), AND THE NEW SHOPFRONT TO THE CHURCH WAY FACADE OF THE EXISTING RETAIL UNIT AT 102-106 STATION ROAD. THE PROVISION OF PEDESTRIAN SITE ACCESS FROM STATION ROAD AND CHURCH WAY, AND VEHICULAR ACCESS FROM CHURCH WAY

Ward: ADJOINING BOROUGH

Applicant: ERINASTAR LTD

Agent: DALTON WARNER DAVIS LLP

Case Officer: GERARD LIVETT

Expiry Date: 07-FEB-14

### RECOMMENDATION

**INFORM** London Borough of Barnet that Harrow Council raises no objection to this application, subject to the London Borough of Barnet having due consideration of the impact of the tall building on the visual amenities of the London Borough of Harrow and the Edgware High Street Conservation Area.

### INFORMATION

This application is reported to Planning Committee as the proposal would be potentially controversial and is therefore excluded from Category 12(a) of the Scheme of Delegation by Proviso E.

### Summary

**Statutory Return Type:** Notification under Circular

**Council Interest:** None

### Site Description

- The application site is a car parking area to the rear of 102-124 Station Road, Edgware and the buildings fronting the roadway at 102-124 Station Road

- The site is on the south side of Station Road and is between Church Way and the Broadwalk Shopping centre
- To the rear of the site is a supermarket (Sainsbury's) and associated car park
- The front part of the site, at 108-124 Station Road, is occupied by two-storey buildings
- The site is within Edgware Town Centre and is located between 190m and 300m from the boundary with Harrow Borough at the junction of Station Road, High Street and Whitchurch Lane
- The application site is at a higher land level than the level at the borough boundary

### **Proposal Details**

- The application proposes a mix-use development on a former car park site on the south side of Station Road in Edgware Town Centre.
- The application is in outline, with approval for access being sought. Details of Appearance, Landscaping, Layout and Scale remain reserved, and would be the subject of a subsequent application.
- The drawings and supporting documents supplied with the application indicate that the site would be redeveloped to provide parking and servicing at ground floor level with a podium above. This podium would then support a building providing a community centre, amenity space and access to the residential accommodation above.
- The podium would be accessed from Station Road via a wide staircase and a lift. This access would entail the demolition of the existing restaurant at Nos. 120-124 Station Road
- The residential accommodation would be in four blocks, rising in height from five stories above the community centre at the western end, with two intermediate blocks of six and eight stories above the community centre and the easternmost block, which would be seventeen stories above the community centre. These heights represent seven, eight, ten and nineteen storeys above ground level.
- The proposal would provide 165 flats, of which 34 would have one bedroom, 55 two bedrooms and 11 three bedrooms.
- The community space would have a high (4.3m) ceiling and would have a floor area of 1,450m<sup>2</sup>. This space is envisioned to provide flexible community space for uses that include leisure, sport, conferences and cultural events; social activities; flexible meeting rooms; child care; health care facility; education and training facilities.
- The podium would provide a 225 m<sup>2</sup> children's play area with 500m<sup>2</sup> of additional public amenity space.
- The proposal would provide an active frontage along Church Way.
- The existing restaurant at 120-124 Station Road would be re-provided at the Church Way entrance, providing a 275m<sup>2</sup> mixed use unit for retail / restaurant use (A1/A2/A3).
- Car parking would be provided at ground floor level under the podium with 107 car spaces (of which 22% would be accessible), 6 motorcycle bays and 20% electric car charging. The development as a whole would provide 241 cycle spaces, of which 219 would be at ground floor level and 22 at podium level.
- Surface water drainage would be to public surface water sewer. Run-off would be limited to 5 litres per second per hectare, by means of a hydrobrake flow control and on-site storage.

### **Revisions to previous application**

- N/A

## **Relevant History**

- None

## **Pre-Application Discussion**

- N/A

## **Applicant Submission Documents**

- Air Quality Assessment; Daylight and Sunlight Report; Design and Access Statement; Design Code; Employee Travel Plan; Energy Strategy; Foul Sewage and Utilities Assessment; Noise Impact Assessment; Planning Statement; Residential Travel Plan; Statement of Consultation; Sustainability Statement; Transport Assessment

## **Consultations:**

### **Highways Authority:**

There is no material comment or objection brought forward.

### **Notifications:**

- N/A

### **Addresses Consulted:**

- N/A

### **Summary of Response:**

- N/A

## **APPRAISAL**

### **MAIN CONSIDERATIONS**

Impact on London Borough of Harrow  
Equalities Statement  
s17 Crime and Disorder Act  
Consultation Responses

### **Impact on London Borough of Harrow**

The application proposes a mix-use development on a former car park site on the south side of Station Road in Edgware Town Centre.

The principle impacts on the London Borough Of Harrow that need to be considered are the impact of the tall building on protected views; the impact of the tall building on the setting of the Edgware High Street Conservation Area and Listed Buildings in High Street and the impact on the Harrow highways network.

#### Impact of the tall building

The proposal includes a building that would be 19 storeys high in close proximity to the thirteen-storey Premier Place.

This tall building would be site at near the apex of an area of high ground that is higher than the ground level at the borough boundary at High Street and Whitchurch Lane.

Policy 7.7D of The London Plan notes that tall buildings should not impact on local or

strategic views adversely.

The location of the site is such that the development, including the tall building would not have an impact on any protected views identified in table 7.1 attached to policy 7.11 of The London Plan or in Schedule 3 attached to policy DM3 of the Harrow Development Management Policies Local Plan.

Policy 7.7E of The London Plan notes that the impact of tall buildings in sensitive locations should be given particular consideration. Such area might include Conservation Areas, Listed Buildings and their settings.

Within the London Borough Of Harrow, Nos. 1-12 Whitchurch Lane and Nos. 81-111 form the Edgware High Street Conservation Area. In addition, Nos. 63-67, Nos. 85-89 and No. 95 High Street are Grade II Listed Buildings.

This policy of The London Plan supplements policy 7.8D which requires development affecting heritage assets and their settings should conserve their significance.

The proposal site would not be readily visible from the Listed Buildings in High Street and it is considered that the proposal would not have a significant impact on the setting of those Listed Buildings.

The setting of the Edgware High Street is already compromised, to a certain extent, by the presence of the 13-storey Premier Place building. However, the principle impact is in terms of views out of the Conservation Area, and in particular from the Whitchurch Lane element of the Conservation Area. The views from the Conservation Area would be further compromised by the presence of the tall building, and the London Borough of Barnet is requested to take account of these views and the impact of the appearance of the development into consideration.

The view of the Conservation Area from the application site and the surrounding area of Station Road at the higher ground level would be unaffected by the proposal as the taller buildings would be to the south of the site rather than on the Station Road frontage. It is therefore considered that the proposal would not have a detrimental impact on the setting of the Edgware High Street Conservation Area.

#### Highways Impacts

From Harrow's borough boundary perspective with Barnet any potential impacts of concern may be concentrated on the A5/Whitchurch Lane signal junction which currently suffers from capacity and congestion issues at peak traffic periods and affects the London Borough of Harrow directly. The applicant has not analysed this junction but has undertaken a capacity assessment on the existing signal junction at the Church Way/Station Road junction set within Barnet adjacent to the site.

As a consequence of the base-line existing employment use of the site, the net traffic impacts of the proposed retail and potential community uses are predicted to be inconsequential to the highway network including the aforementioned signal installation.

This reasoning is further supported by the application of 'linked trip' principles which, statistically speaking, are likely to be exhibited by a proportion of the proposed retail and community uses which inherently reduces new vehicle trip impacts on the wider highway network. It is important to note that, in terms of traffic assignment, actual levels of

use/reassignment that take place will depend upon factors such as wider network conditions such as congestion, drivers tolerance to delays/congestion, origin and destination of trips etc. The balance of this assignment, in route and travel mode choice terms, will therefore change dynamically from day to day.

The 'linked trip' assumption is less valid in the case of the proposed 165 residential units which will, in the main, generate a measure of new vehicular movements contrary to the artificially low trip generation presented by the applicant. However a moderate increase over and above predicted car usage related to the C3 proposal is unlikely to reach a level which would be of detriment to Harrow's domain due to dissipation and reassignment of traffic flows.

As a consequence, roads within Harrow's jurisdiction are not expected to exhibit significant or discernable 'real world' impacts as a result of the proposals. Hence, in summary there is no material comment or objection brought forward on highways grounds.

### **Equalities Statement**

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.

On balance, it is considered that the proposal would have no impact with regard to section 149 of the Equalities Act 2010.

### **S17 Crime & Disorder Act**

The proposal would have no impact with respect to crime and disorder in the London Borough of Harrow.

### **CONCLUSION**

The proposed tall building would be visible from part of the Edgware High Street Conservation Area, in particular from the Whitchurch Lane area. The London Borough of Barnet is therefore requested to consider the impact of the proposed tall building on the visual amenity of this area in reaching its decision.

The proposal would not have a direct impact on the setting of the Edgware High Street Conservation Area or the Listed Buildings on High Street.

The proposal would not have a significant impact on the highway network in the London Borough of Harrow.

Subject to the consideration of the impact of the tall building on the visual amenity of

Whitchurch Lane, it is considered that no objection be made to this proposal.

## **INFORMATIVES**

### **1 INFORMATIVE**

The London Borough of Harrow raises no objection to the proposal, subject to the London Borough of Barnet having due consideration of the impact of the tall building on the visual amenities of the London Borough of Harrow and the Edgware High Street Conservation Area.

### **2 INFORMATIVE**

The following policies are relevant to this decision:

The London Plan (2011)  
Policies 7.7, 7.8, 7.11

Harrow Development Management Policies Local Plan (2013)  
Policy DM3

Plan Nos: 138(EX)01 Rev PL1; 138(EX)10 Rev PL1; 138(EX)11 Rev PL1; 138(EX)20 Rev PL1; 138(EX)21 Rev PL1; 138(GA)00 Rev PL1; 138(GA)01 Rev PL1; 138(GA)02 Rev PL1; 138(GA)03 Rev PL1; 138(GA)04 Rev PL1; 138(GA)05 Rev PL1; 138(GA)06 Rev PL1; 138(GA)07 Rev PL1; 138(GA)08 Rev PL1; 138(GA)09 Rev PL1; 138(GA)10 Rev PL1; 138(GA)11 Rev PL1; 138(GA) 12 Rev PL1; 138(GA)20 Rev PL1; 138(GA)21 Rev PL1; 138(GA)22 Rev PL1; 138(GA)30 Rev PL1; 138(GA)31 Rev PL1; 138(GA)32 Rev PL1; 138(MP)01 Rev PL1; 138(MP)02 Rev P1; 138(MP)03 Rev PL1; 138(MP)04 Rev PL1; 138(MP)05 Rev PL1; 138(MP)06 Rev PL1; 5280\_SITE\_R3 Sheet 1 of 2; 5280\_SITE\_R3 sheet 2 of 2; Air Quality Assessment; Daylight and Sunlight Report; Design and Access Statement; Design Code; Employee Travel Plan; Energy Strategy; Foul Sewage and Utilities Assessment; Noise Impact Assessment; Planning Statement; Residential Travel Plan; Statement of Consultation; Sustainability Statement; Transport Assessment



## SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.