

# **Planning Committee**

## **PLANNING APPLICATIONS RECEIVED**

**DATE: Wednesday 14 January 2015**

**PLANNING COMMITTEE**

**APPLICATIONS**

**WEDNESDAY 14<sup>TH</sup> JANUARY 2015**

**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**

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**INDEX**

					Page No.
<b>1/01</b>	MARLBOROUGH PRIMARY SCHOOL, MARLBOROUGH HILL, HARROW	P/4162/14	MARLBOROUGH	<b>GRANT</b>	1
<b>1/02</b>	HARROW MUSEUM (TITHE/ GREAT BARN), HEADSTONE MANOR RECREATION GROUND, PINNERS VIEW, HARROW	P/3758/14	HEADSTONE NORTH	<b>GRANT</b>	30
<b>2/01</b>	148 PINNERS ROAD, HARROW	P/3555/14	HEADSTONE SOUTH	<b>GRANT</b>	61
<b>2/02</b>	5 PAINES CLOSE, PINNERS	P/4336/14	PINNER	<b>GRANT</b>	69

## SECTION 1 – MAJOR APPLICATIONS

Item No: 1/01

Address: MARLBOROUGH PRIMARY SCHOOL, MARLBOROUGH HILL, HARROW

Reference: P/4162/14

Description: DEMOLITION OF EXISTING PRIMARY SCHOOL BUILDINGS AND REDEVELOPMENT TO PROVIDE A SINGLE, TWO AND THREE STOREY BUILDING FOR A NEW 3 FORM ENTRY PRIMARY SCHOOL AND NURSERY; ASSOCIATED LANDSCAPING TO INCLUDE HARD AND SOFT PLAY AREAS; PARTIAL BOUNDARY TREATMENT ALTERNATIONS; PROVISION OF ROOF PLANT; ALTERATION TO CAR PARKING LAYOUT AND PROVISION OF CYCLE STORAGE; NEW VEHICLE ACCESS FROM MARLBOROUGH HILL AND BADMINTON CLOSE

Ward: MARLBOROUGH

Applicant: HARROW COUNCIL

Agent: LOM

Case Officer: NICOLA RANKIN

Expiry Date: 20<sup>TH</sup> JANUARY 2014

### RECOMMENDATION

Under Regulation 3 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 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is the London Borough of Harrow and the land at Marlborough Primary School, Marlborough Hill, Harrow, HA1 1UJ.

### INFORMATION

The application is reported to the Planning Committee because the Council is the Landowner and the proposal is a major development and therefore falls outside of category 1(d) of the Council's scheme of delegation.

### Legal Comments

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

by him.

The application is made by LB Harrow who intends to carry out the development on the land at Marlborough Primary School, Marlborough Hill, Harrow, HA1 1UJ.

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

**Statutory Return Type:** Major Development

**Council Interest:** The Council is the landowner.

**Gross Floorspace:** 2020sqm

**Net additional Floorspace:** 1080sqm

**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".

### **The Harrow School Expansion Programme**

Harrow Council has a statutory responsibility to provide sufficient school places for its area. Like most London Boroughs, Harrow is experiencing a significant increase in demand for school places. The increasing demand is primarily birth rate driven but is complicated by other factors such as migration, household occupancy, size of families, etc. The main pressure on school places is currently in the primary sector, though pressure is also being experienced in the special educational needs sector and will be experienced in the secondary sector when the additional pupil numbers progress through to the high schools.

Harrow Cabinet agreed its school place planning strategy in February 2010 to meet the increasing demand for school places. Harrow is a congested urban borough and there is very limited effective scope to build new schools. In July 2011, Cabinet agreed on a Primary School Expansion Programme as part of the School Place Planning Strategy. The strategy aims to secure sufficient primary school places through the creation of additional permanent places, supplemented by the opening of temporary additional classes as required to meet the peak and variations in demand.

Harrow has been opening additional temporary reception classes since 2009, with an increasing trend in the number of places opened. Phase 1 of the primary school expansion programme was implemented in September 2013 with 8 schools in the borough permanently increasing their reception intakes and 9 temporary additional reception classes were also opened. Statutory proposals for phase 2 of the Primary School Expansion has been completed with 19 school obtaining planning permission to expand.

Marlborough Primary School was subject to a previous application P/2493/12) to demolish the existing school buildings and develop a 3FE primary school under the Primary Expansion Programme. This application was granted conditional approval on 22<sup>nd</sup> February 2013 but never proceeded to site. The re-development of the site is now being considered as part of the Government's Priority Schools Building Programme (PSBP). The PSBP was launched in July 2011 and is procured by the Education Funding Agency on behalf of the Department for Education. The PSBP aims to raise standards in education, through a combination of investment in buildings and ICT, so that young people can fulfil their potential and so that staff can use their skills to best effect.

Marlborough Primary School is an existing two form entry primary school. The proposal is to provide a new 3 FE school building on the existing site with a new nursery for those aged 3 -4. The re-development is designed to accommodate 630 pupils, with an additional 26FT nursery places.

### **Site Description**

- Marlborough Primary School is located in a predominantly residential area of three and two storey properties on the junction of Marlborough Hill and Badminton Close on a sloping site.
- The school was originally constructed in the late 1960s and is a mix of single and two storey blocks represented as one single building.
- The school site is an irregular shape and is located within a block ringed by properties fronting Ranmoor Gardens to the south west and Walton Drive to the north west.
- To the east of the site is Badminton Close, a cul de sac with two storey terraced dwellings.
- The properties opposite the site are comprised of two storey semi detached dwellings and a three storey block of flats.
- The land slopes downwards across the application site from the south east to the north west. There is a 3 metre fall across the site from Marlborough Hill.
- The existing school playgrounds are located to the rear eastern and western sides of the site.
- The site has its main vehicle and pedestrian access point via Marlborough Hill.

### **Proposal Details**

- The proposal is for the demolition of the existing school buildings and re-development of the site to provide a part single, two and three storey building, associated hard and soft landscaping to include hard and soft play areas and alteration to the existing parking layout together with a new vehicle access from Badminton Close and Marlborough Hill.
- The proposal would result in the expansion of the existing primary school from a two form entry primary school (420 pupils) to a three form entry primary school (630 pupils).
- The proposed buildings would have a flat roof. The main front elevation of the building facing towards Marlborough Hill would be two storeys linked by a single storey element. The elevation fronting Marlborough Hill would be angled to reflect the arc of the road.
- The building would consist of two key elements, the teaching block to the north east, parallel to Badminton Close and the hall and kitchen block to the south. The single storey link and associated canopy between the two elements would provide the main entrance for the school.
- The single and two storey hall and kitchen block to the south of the site would have a width of approximately 24.5 metres and a maximum height of 6 metres.
- The proposed two and three storey block which would be sited towards the northern side of the site would have a maximum width of 21 metres and a depth of approximately 61 metres. The proposed three storey element would have a maximum height of 12.3 metres as measured on the north west elevation from ground level.
- The proposed single storey linking element would have a maximum height of 4.5 metres.
- The main materials for the building would consist of a low level brick work and red coloured insulated render with white render for the upper storeys.

- A raised courtyard amphitheatre will be provided to the rear of the building which will include additional soft landscaping. The existing green buffer to the perimeter of the site will be retained and enhanced with additional soft planting. The main hard play area around the building will be tarmaced and the raised amphitheatre will consist of porous slab paving as will the main arrival plaza to the front of the site.
- A new vehicle access will be created from Marlborough Hill to provide an access and egress point for vehicles. A total of 18 car park spaces will be provided towards the southern corner of the site. A cycle and bin storage will be provided adjacent to the car parking area.
- Additional roof plant will be provided over the kitchen and the three storey building.

**Amendments since previous planning application P/2493/12:**

- The layout and configuration of the proposed two and three storey blocks have been amended. All of the proposed teaching accommodation would now be sited on the northern side of the site within a two and three storey block. The hall would now be sited towards the southern part of the site, amended from the previous siting adjacent to the junction of Marlborough Hill and Badminton Close.
- The proposed two and three storey block on the northern side of the site would be set further back from the north eastern boundary of the site adjacent to Badminton Close. On the previous application, the proposed three storey block was sited 5.6 metres at its closest point to Badminton Close. Under the current proposal, the three storey block would be 13.3 metres at its closest point. On the previous application, the proposed two storey hall block was sited approximately 3 metres from the north eastern boundary, adjacent to Badminton Close and under the current proposal the two storey element would be sited approximately 11 metres at its closest point.
- The car parking layout has been amended and the number of parking spaces has been increased from 17 to 18.
- Amendment to configuration and layout of hard and soft landscape areas around the proposed school buildings.

**Relevant History**

LBH/616 New primary junior mixed infant school  
Granted 01-Jul-1966

LBH/616/1 Erection of an additional classroom  
Granted 19-Mar-1968

LBH/616/2 Erection of single storey extension to provide 3 new classrooms  
Granted 24-Sep-1968

EAST/630/93/FUL Alterations and single storey extensions  
Granted 7-Mar-1974

P/1784/05/CLA Single storey extension to hall, provision of new doors to classroom building  
Granted 9-Sep-2005

P/0274/07 Construction of new single storey reception, single storey extension to toilets & two storey teaching block  
Granted 19-Apr-2007

P/1029/09 2 no. x single-storey temporary classroom units, temporary mobile WC, temporary car park and crossover, external alterations to existing school buildings and reconstruction of raised play area.

Granted 29-Apr-2010

P/2835/09 Redevelopment to provide detached two storey building in south corner of site and single storey temporary modular building to north of site

Granted 29-Apr-2010

P/2493/12 Demolition of existing school buildings and re-development of entire school site over a series of construction phases to provide a two and three storey building; associated landscaping to include hard and soft play areas; new boundary treatment; alteration to car parking layout and provision of cycle storage; new vehicle access from Marlborough Hill and badminton close (to expand existing 2 form entry primary school to provide 3 form entry primary school).

Granted 22-Feb-2013

### **Pre-Application Discussion**

- The revised scheme for the site was considered in consultation with the Education Funding Agency as part of the Priority Schools Building Programme ITT (Invitation To Tender) Process and a further pre application meeting to discuss the developing design and application requirements.

### **Applicant Submission Documents**

#### **∇ Design and Access Statement (Summary)**

- The massing presents a two storey Marlborough Hill street frontage which has a contextual relationship with the surrounding residential buildings.
- The main front façade angles along its length to reflect Marlborough Hill Road.
- The building is delineated by two key elements, the teaching block to the north east along Badminton Close and the Hall and kitchen block to the south.
- As the site falls away from Marlborough Hill, towards the lower level at the end of Badminton Close, the third storey steps up as the level drops away, providing an appropriate scale for the context. The 3<sup>rd</sup> storey freeing up crucial site area to maximise external learning and play space on this confined site.
- The space for learning and play has been distributed around the teaching block, so that smaller quieter spaces are provided for the younger years of nursery, reception and infant classes along Badminton Close with the larger playground to the west utilised by the junior classes.
- A mixture of hard and soft landscaping has been provided on the remaining site. The existing mature trees on the site have been retained where possible which will provide an established environment for the new school buildings, framing the proposed development within a green context.

#### **∇ Statement of Community Involvement (Summary)**

- A public consultation event was held at the current schools temporary site, adjacent to the Harrow Civic Centre on 2nd October 2014. Approximately 50 people attended the event with 17 signing the attendance list or filling out questionnaires.
- A comprehensive programme of public and community consultation has been undertaken which has included key stakeholders, the LPA and the local community.
- The primary and fundamental result of the consultation showed that all those who responded to the primary question (100%) are in support of the design of the school



and the layout of the site.

- The main support for the school came in the form of the design and layout and the use of space on the site and modern design.
- When residents were asked if they had any ideas which could improve the design, the main planning concern related to the provision of parking on site. The parking provision on site has been further increased from that shown in the consultation, to the proposed number of 18; this layout has been proposed to further alleviate parking congestion to the local infrastructure by incorporating more on site.
- Although the proposal gained support from all the respondents, concern was raised in regards to privacy on site. The fence and hedge of the Nursery Play area has been designed to prevent overlooking from the street.
- Other concerns raised related to transport to the site of both pupils and staff. The travel plan which has been prepared by the school has been designed to promote sustainable modes of transport and healthy living.
- Concern was raised in relation to the programme of construction and the duration of time the school would be housed within the Harrow Civic Centre. The Design and Construction team are focused towards a quick delivery to ensure that the school can open at the earliest opportunity, thus providing less disruption to residents compared to that which was previously consented being a 2 -3 year phased construction.

∨ **Planning Statement**

∨ **Travel Plan**

∨ **School opening times and lettings policy**

∨ **Frameworks Contractors Statement**

∨ **Arboricultural Report**

∨ **Landscape Strategy**

∨ **Noise impact Statement**

∨ **Ecological Report**

∨ **Daylight/sunlight report**

∨ **Sustainability Report**

∨ **Energy Statement**

∨ **Secure By Design Statement**

∨ **Land Contamination Assessment**

∨ **Community Access Statement**

∨ **Proposed Material Schedule**

∨ **Proposed Surface Water Attenuation and Drainage Strategy**

∨ **Construction Method Phasing Plan and Logistics Statement**

#### **Consultations:**

**Highways Authority:** No objection

**Vehicle Crossing Officer:** No objection to this application. I would request that they carry out a services drawing/survey to establish if apparatus (BT & Virgin) is not going to conflict on the new access in to the school, but this would not impact on planning.

**Drainage Engineer:** No objections, subject to conditions.

**Landscape Architect:** No objections to the proposed landscape and arboricultural recommendations are thorough and detailed. Landscape and arboricultural conditions are required. The tree protection is to follow the arboricultural report, as well as including the tree protection plan (Appendix 4) and details set out in the timetable for tree protection works (Appendix 6).

**Arboricultural Officer:** The development works should go ahead in accordance with all the recommendations made in the arboricultural report.

**Biodiversity Officer:** The recommendations of the Biodiversity Report for this site should be followed with respect to breeding birds. Additionally I would recommend that bird boxes or bird bricks should be erected in suitable locations on the new school buildings. These should cater for Regional (London) or UK Biodiversity Action Plan (BAP) species particularly those characteristic of urban places e.g. starling, house sparrow and swift. This would align with Saved UDP policy EP26 (Habitat Creation and Enhancement).

**Secure by Design Officer:** This development is suitable for full SBD which I have discussed with the applicant. Therefore I would ask that you make it a planning condition that they achieve full SBD which is easily and cost effectively achievable for this new build school.

### **Advertisement**

Press advert: Major Development Expiry: 4<sup>th</sup> December 2014

Site Notices: Major Development Expiry: 17<sup>th</sup> December 2014

### **Notifications**

Sent: 308

Replies: 2

Expiry: 27.11.2014

### **Addresses Consulted**

- 42 to 146 (even) Marlborough Hill
- 21 to 165, (odd) Marlborough Hill
- Civic Lodge Hotel, 78 Marlborough Hill
- Garages rear of Marlborough Court, Marlborough Hill
- Marlborough Court, Marlborough Hill
- Wiseworks Day Centre, Marlborough Hill
- 42 to 46 (even) Rusland Park Road
- 33 to 39 (odd) Rusland Park Road
- 44 to 64, Queen Walk
- 74, 76 Walton Road
- 2 to 44 Walton Drive
- Rusland Heights, Rusland Park Road
- 1, 2, 3, 5, 4, 6, 7, 8, 9, 10, 11, 12 Badminton Close
- 1 to 43 (odd) Ranmoor Gardens
- 2 to 36 (even) Ranmoor Gardens
- Garages rear of 28 Ranmoor Gardens
- 40 to 46 (even) Ranmoor Close
- 41, 45, 47 (odd) Ranmoor Close
- Garages adjacent to 40 and 46 Ranmoor Close

### **Summary of Responses**

- The proposed three storey building would be too close to the properties in Badminton Close and would result in a loss of a daylight and sunlight.

- The proposed building will be detrimental to the residential amenities of the occupiers of Badminton Close.
- The site is too small for the proposed number of children.
- Is it necessary to sacrifice valuable play space for parking?

## **APPRAISAL**

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

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

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

In this instance, the Development Plan comprises The London Plan 2011 [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 the Development  
 Character and Appearance of the Area  
 Residential Amenity  
 Traffic and Parking  
 Development and Flood Risk  
 Accessibility  
 Sustainability  
 Trees and Development and Biodiversity  
 S17 Crime & Disorder Act  
 Consultation Responses

### **Principle of the Development**

The National Planning Policy Framework outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. It emphasises that paragraphs 18 to 219 of the NPPF should be taken as a whole in defining what amounts to sustainable development. Economic, social and environmental considerations form the three dimensions of sustainable development. With regard to the social role of the planning system, this is in supporting strong, vibrant and healthy communities by creating a high quality build environment that reflect the community needs and support its health, social and cultural well being. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly.

The National Planning Policy Framework (2012) outlines at paragraph 72 that: "The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Local Planning authorities should give great weight to the need to create, expand or alter schools".

Furthermore, on the 15/08/11 the DCLG published a policy statement on planning for schools development which is designed to facilitate the delivery and expansion of state funded schools. It states:

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state funded school places, increasing choice and opportunity in state funded education and raising educational standards....The Government wants to enable good schools to open and new schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state funded school sector to meet both demographic needs and the drive for increased choice and higher standards”.

“It is the Government’s view that the creation and development of state funded schools is strongly in the national interest and that planning decision makers can and should support that objective, in a manner consistent with their statutory obligations”

Core policy CS1 of the Harrow Core Strategy (2012) states that: “The development or expansion of physical or social infrastructure will be permitted where it is needed to serve existing and proposed development, or required to meet projected future requirements.” Policies 3.16 and 3.18 of The London Plan (2011) seek to ensure inter alia that development proposals which enhance social infrastructure, education and skills provision are supported.

Policy DM 46 of the Harrow Development Management Policies Local Plan supports proposals for the provision of new education facilities provided that they are (a) located in the community which they are intended to serve; (b) subject to them being located in an area of good public transport accessibility and would not result in any adverse impacts on residential amenity or highway safety.

Marlborough Primary School is part of the Government’s Priority Schools Building Programme (PSBP). The PSBP was launched in July 2011 and is procured by the Education Funding Agency on behalf of the Department for Education aiming to raise the standards of teaching spaces within education. The educational use of this site is long established. The existing buildings on the site are time served CLASP buildings which are in a poor state of repair. The existing buildings are poorly configured and the fact that the buildings are located centrally to the site results in a poor layout of the external spaces and a limited capacity for external team sport. The proposed school would be a good sustainable design and will result in a significant improvement in education facilities for local people and in a building which is fit for its purpose. Furthermore, as outlined above, Harrow needs to create more primary school places to meet a growing demand. Having regard to the limited availability of land for new schools within the borough against the backdrop of existing and projected demand for places, it is considered that there is a clear need for additional educational space and as such the proposals have strong policy support at local, regional and national level. Furthermore, the site is located within a highly sustainable location, to help meet the demand for places within the surrounding community. Furthermore, it is also acknowledged that the site also already benefits from planning permission for the provision of a new 3 form entry primary school which was approved under ref: P/2493/12, dated 22.02.2013.

In summary, having regard to the above policy considerations, the principle of development is considered to be acceptable by officers. It is considered that the proposals would make a significant contribution to social and educational infrastructure within the

London Borough of Harrow. The proposed development will result in a significant improvement in terms of the quality of the physical facilities on the site and the removal of time served buildings temporary accommodation.

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

The National Planning Policy Framework emphasises that in the pursuit of sustainable development, proposals which would replace poor design with better design and would provide positive improvements in the quality of the built environment should be encouraged (Paragraph 9). The NPPF makes it very clear that good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making better places for people.

The London Plan (2011) policies 7.4B and 7.6B set out the design principles that all boroughs should seek to ensure for all development proposals. The London Plan (2011) policy 7.4B states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment. The London Plan (2011) policy 7.6B states, inter alia, that all development proposals should; be of the highest architectural quality, which complement the local architectural character and be of an appropriate proportion composition, scale and orientation. Policy 7.8D of The London Plan (2011) states that 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'.

Core Policy CS(B) states that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design.'

Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) reinforces the principles set out under The London Plan (2011) policies 7.4B and 7.6B and seeks a high standard of design and layout in all development proposals. It goes on to state, amongst other things, that developments should contribute to the creation of a positive identity through the quality of building layout and design, should be designed to complement their surrounding, and should have a satisfactory relationship with adjoining buildings and spaces.

### Layout, Scale and Massing

The design of the school has been conceived by two key elements including the teaching block to the north east along, parallel to Badminton Close and the hall and kitchen block to the south. A single storey link between the two buildings would provide clear separation between the massing of the buildings and would provide a focal point for the main front entrance to the school. The resultant building would have clearly defined functional spaces.

The existing primary school has a very public frontage facing both Marlborough Hill and Badminton Close. As outlined previously, the site is situated within a residential area of two and three storey properties and is on a sloping site. The proposed arrangement of the buildings away from the residential properties to the east and north and towards Marlborough Hill in the form of a broadly linear arc is considered to be an appropriate arrangement in the suburban context and would create an active street frontage, adding visual interest to the streetscape. This arrangement also allows for the school play space

and sports area to be encompassed within the linear arc and results in a clearly defined space.

The main front building line would be set back between approximately 5 metres and 15 metres from Marlborough Hill, thereby providing a sufficient buffer zone between the building and the public footpath as well as the two and three storey properties on the opposite side of Marlborough Hill which are sited at a higher level. The majority of the building would respect the established building line of the properties fronting Marlborough Hill with the exception of the two storey block on the northern side of the site which would project forward of the building line, increasing the prominence of this element in the street scene. However, it should be noted, that the front elevation of the two storey block would not be any further forward than the two storey hall which was approved under the previous application. Moreover, the two and three storey building would now be set much further back from the north eastern boundary of the site adjacent to Badminton Close which would provide an appropriate landscaped buffer in relation to the properties to the east along Marlborough Hill. As such, it is considered that this additional setting space about the building would be a significant improvement over the previous application and would ensure that the building would not appear unduly dominant in views from the east.

The proposed two storey hall block to the south would be sited away from the closest properties in Ranmoor Gardens (27 metres) and Marlborough Hill (45 metres), adjacent to the north western boundary of the site, thereby creating an acceptable relationship with these properties in terms of the appearance of the building in Marlborough Hill. Having regard to the setting space to the front and to the north western boundary, the level change across the site as well as the surrounding character of the two and three storey residential properties opposite the site, it is considered that the overall siting, mass and scale of the building would have an acceptable relationship with the properties along Marlborough Hill.

The proposed two and three storey teaching block would run parallel to the north eastern boundary of the site along Badminton Close where the site levels fall along the road. As outlined previously there is approximately a 3 metres fall in levels from the front of the application site to the rear. The two storey teaching block would be sited between a distance of 25 metres and 36 metres from adjacent properties (1 to 6) Badminton Close and would link into the proposed three storey classroom block. The three storey block would be sited in the lowest part of the site, between a distance of 27 metres and 37.5 metres from the front facades of No's 7 to 12 Badminton Close. Having regard to these distances and the levels change across the site, it is considered that the proposed building would result in an acceptable relationship with the properties along Badminton Close in terms of character and appearance. Furthermore, due to the level change across the site, the proposed three storey block would not appear visually prominent when viewed from Marlborough Hill.

The applicants Design and Access Statement highlights that the proposed layout and siting of the building has been driven by the constrained nature of the site. In particular the proposed three storey building would be sited in the lowest part of the site, thereby providing an appropriate scale for the context and freeing up crucial site area to maximise external learning and play space. Furthermore, the building has also been designed so that all ground floor classrooms have direct or lobbed access to external learning or play areas. Classrooms on upper floors would be served by two stairwells at either end of the teaching accommodation to ensure easy egress from upper levels to outside. The halls and kitchen areas can also be isolated from the teaching areas on the northern side of the

site for out of hours community events, classes or school clubs. Having regard to conclusions within the application supporting Design and Access Statement in relation to building location, officers are satisfied that the height and location of the proposed two building is logical, and whilst obviously at a different scale to the surrounding residential properties, is considered to respond to the challenge of layout and floor space appropriately.

### Design and Appearance

The main materials for the building would consist of a low level red brick and insulated render while the upper storeys would be finished in white render which would create a horizontal emphasis to the external appearance. Red insulated render will be used on the hall, kitchen and entrance area to help articulate the community buildings. Officers consider the proposed materials would respond appropriately to the other properties along Marlborough Hill which consist of a predominance of multi red bricks and white render and would provide visual interest and articulation to the elevations.

The accompanying Design and Access Statement outlines that the window design has been driven by sustainable design principles and the need to deliver an efficient internal environment. The recessed window reveals with integrated louvre panels and the overall horizontal emphasis and arrangement of windows and doors is considered to be acceptable. The main classroom windows will be broken up by the introduction of curtain walling for the circulation routes.

The building will include additional roof plant over the kitchen and on the roof of the three storey block. The plant above the kitchen will be obscured by a timber plant screen and the other plant will not be visible above the parapet to the roof. As such this element of the proposal is considered to have an acceptable impact on the character and appearance of the area. Several projecting PV panels will be installed on the roof of the hall building. However, as they would be sited in a linear fashion along the roof they would not appear unduly prominent.

Subject to a condition, requiring specific material samples to be submitted to the Local Planning Authority for further consideration, prior to the commencement of the development, the material approach is considered to be acceptable.

### Landscaping

A comprehensive landscape strategy has been submitted with the proposal and there will be an increase in the number of trees on the site and the introduction of a green landscape buffer zone around the perimeter of the site which is considered to make a positive contribution to the character of the area. The provision of a landscaped arrival area at the front of the building would provide a welcoming and attractive entrance to the school. The parking area in the southern corner of the site will be largely obscured by existing and enhanced planting to the site edges.

The existing 1.8 metre timber close boarded fencing along Badminton Close would be retained with the addition of a wire mesh to increase the height. The applicants have not provided details of this but it is considered that this matter can be conditioned. The low rise black metal railings along Marlborough Hill would largely be retained at the front of the site with the exception of some new 1.8 metre high black railings which are proposed towards the north eastern corner of the site. The proposed 1.8 metre high railings would link into the existing close boarded timber fence which is sited adjacent to Badminton Close and would incorporate a hedge to provide a level of privacy to the nursery and reception play

areas. Whilst it is acknowledged, that most boundary treatments in the vicinity consist of low level fencing and hedging, in this instance it is considered that as this boundary treatment could be installed under permitted development rights it is acceptable in this case. Furthermore, the nature of the railings would not be overly solid and would be softened by the addition of landscaping. A new 2.4 metre high fence would be installed around the car park and adjacent to the hall block in order to provide a secure line for the school. However, as this would be set back from the public footpath along Marlborough Hill between approximately 16 to 20 metres, it would not appear overly opposing in the street scene. A condition is recommended to ensure that further details on the height and the appearance of all the boundary treatments are provided prior to their installation on site in order to ensure an acceptable appearance. A refuse storage enclosure and cycle parking area would be provided to the rear of the car park, close to the main arrival point which is considered to be an acceptable location. Notwithstanding the details provided, a condition is attached to ensure that a detailed hard and soft landscape scheme is submitted to the Local Planning Authority for further consideration prior to the occupation of the development.

In summary, it is considered that the design of proposed development would make a positive contribution to the character of the area and would reinforce the positive aspects of local distinctiveness. In officer's opinion the re-development of the site would provide an increased sense of place, vibrancy and identity within the community and would successfully integrate into the surrounding suburban context. Furthermore, a high quality landscape scheme is proposed around the school site would provide an attractive setting for the building and enhance the ecological value of the site. As such, the proposal is considered to comply with The National Planning Policy Framework (2012), policies 7.4B, 7.6B and 7.8 C and D of The London Plan (2011) core policy CS1 B and D of the Harrow Core Strategy (2012) and policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

### **Residential Amenity**

Policy 7.6 of The London Plan (2011) states that "Buildings and structures should not cause unacceptable harm to the amenity of the surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate".

Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) requires that: "*All development and change of use proposals must achieve a high standard of privacy and amenity of neighbouring occupiers*". "The assessment of the design and layout of proposals will have regard to: "the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers".

### Amenity impacts in relation to scale, massing and siting

The proposed school would have a greater scale and mass compared to the existing school along the street frontages due to the fact that the existing school is comprised of single, two and three storey structures. However, the proposed school would be sited further from the north western rear boundary shared with the properties to the rear fronting Walton Drive. The proposed three storey classroom block would be sited between 35 metres and 38 metres from the rear facades of the closest residential properties along Walton Drive and some 15 metres from the rear garden boundaries of these properties. Furthermore, the narrower side elevation would face towards these properties, thereby significantly reducing the impact of bulk and outlook for these



occupiers. The two storey hall block would be located some 60 metres from the rear elevations of the properties along Walton Drive. As mentioned previously, the proposed new building would be sited away from the closest properties in Ranmoor Gardens (27 metres) and Marlborough Hill (45 metres), adjacent to the north western boundary of the site. In addition, the properties on the opposite side of Marlborough Hill are comprised of two and three storey buildings which are sited at a higher level. Having regard to these factors, it is considered that the proposed building would not have a detrimental impact on the amenities of the surrounding neighbouring occupiers along Walton Drive, Walton Road, Ranmoor Gardens or Marlborough Hill in respect of overlooking, overshadowing or having an overbearing impact.

It is recognised that the proposed school building would be closer to the properties fronting Badminton Close than compared to the existing situation. With regard to the three storey classroom block consideration is given to the constrained nature of the site which is particularly small at just over 6,420 sq metres, the applicants have highlighted the need for a building of this scale to provide necessary teaching space without unduly compromising external play space. As discussed, the two storey teaching block would be sited between a distance of 25 metres and 36 metres from adjacent properties (1 to 6) Badminton Close and would link into the proposed three storey classroom block. The three storey block would be sited in the lowest part of the site, between a distance of 27 metres and 37.5 metres from the front facades of No's 7 to 12 Badminton Close. Due to the level drop, the additional bulk of the three storey building would be much less apparent. Furthermore, the properties in Badminton Close face towards a south westerly direction and both the three storey block and two storey hall block would be angled away from the front facades. As such, the properties along Badminton Close would not have a direct facing view of the buildings on this side of the application site which would also help to reduce the visual impact for the adjacent neighbouring occupiers. It should also be noted that the previous application approved under P/2943/12 also proposed a three and two storey building in a similar location which was much closer to the boundary and therefore the current application offers a significant improvement in terms of visual impact for these occupiers. Having regard to these factors, it is considered the proposed building would not have a significantly detrimental impact of the residential amenities of the occupiers of Badminton Close in respect of overlooking, overshadowing or by means of an overbearing impact.

The applicant has provided a daylight and sunlight assessment to assess the impact of the development on the light receivable by neighbouring residential properties. The report is based on best practice guidance contained in the Building Research Establishment (BRE) Digest 209 'Site Layout Planning for Daylight and Sunlight' (2011). The assessment concludes that the proposed development would have an insignificant effect on light received by the neighbouring properties and gardens, including those in Badminton Close, Walton Drive and Marlborough Hill when compared with the current baseline conditions.

#### Increase in Intensity of Use

Paragraph 123 of the NPPF (2012) states that planning decisions should aim to: "avoid noise from giving rise to significant adverse impacts on health and quality of life arising from noise from new development". The proposal would result in a material increase in the number of pupils with a gradual increase proposed each year until 2020 and as such noise and disturbance is likely to be an issue as a result of the intensified use. Nevertheless, it is inevitable that the noise impacts will become more acute for these neighbours as pupil numbers rise over the next few years. The National Planning Policy

Framework places particular emphasis on meeting the need for school places. Within urban areas, the growth of school places will result in some additional impacts upon nearby residential properties. The NPPF nevertheless requires that particular weight be applied to the need to expand and provide new schools. Accordingly, it is considered that whilst some increase in daytime noise will arise as a result of the development, the additional noise and disturbance is not considered to significantly undermine residential amenity and would not outweigh the strong emphasis given to expanding schools within the communities which they are intended to serve as set out in National Planning Policy and the support within the Local Plan.

Additional plant will be installed at roof level on the kitchen and three storey teaching block. In this regard, a noise report has been submitted with the application to address the potential impact of noise and disturbance to nearby residential properties. The report recommends a maximum plant noise level to be achieved at the closest residential premises in order to ensure any disturbance is satisfactorily mitigated. At the time of preparation of this report comments from the Council's Environmental Health Department are still awaited. However, officers considered that any impacts arising from the roof plant could be satisfactorily mitigated through the imposition of planning conditions. Any additional comments and recommended conditions in this regard will be reported through the committee addendum.

#### Vehicle Access and Traffic

The proposed car parking area would be sited closer to the neighbouring residential properties adjacent to the north western boundary of the site than is currently the case. However, given the modest uplift in the number of car parking spaces and the use of the site as a school predominantly between the hours of 9am to 5pm, it is considered that vehicles movements would not result in unacceptable levels of noise and disturbance. The additional vehicle access that would be provided from Badminton Close is intended to be restricted to emergency access for fire and ambulance to gain access to the rear of the building if required. As such, a condition is attached to ensure that this is not used at any time, unless in the event of an emergency.

#### Community Use of Facilities

The proposed school building is intended primarily for primary education; however, it is proposed to use it for community activities during term time and holiday periods as well as some evening and weekend use. Use of the building and external sports pitches by the local community outside of school hours would be supported by Local Plan policy

The application is accompanied by a community access strategy which outlines the schools intentions in terms of activities and use. The school wishes to offer community access for groups and individuals across hours from 6-8pm. Both the car parking and cycle parking spaces would be made available for community users. The main school hall and the learning resource centre will be made available for a mixture of sports, drama or various training sessions. It is noted that no floodlighting will be provided in connection with the use of the mini hard surfaced sports pitch. As such, the use of this facility would be limited to daylight hours. The additional facilities for the use of the local community outside of school hours will result in additional vehicular trips and noise and disturbance to neighbouring occupiers. As such, to reduce this impact, a condition is recommended to be added to the permission restricting the hours of use of the building and the MUGA.

#### Construction Phasing

It is inevitable that noise and disturbance would increase during the construction process;

however the impacts would be temporary and can be mitigated to some extent. A detailed construction management strategy has been submitted with the application, including a detailed timetable for implementation. The document details working practices including managing and maintaining site access routes, the site compound location, delivery times and security procedures in order to help safeguard the residential amenity of neighbouring occupiers as much as possible. Officers consider that the management and mitigation measures proposed would be sufficient to reduce the impacts on the amenities for neighbouring occupiers during the construction phase to acceptable levels.

In summary, officers consider that the proposal would accord with policy 7.6B of The London plan (2011) and policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

### **Traffic and Parking**

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also contribute to wider sustainability and health objectives. It further recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The London Plan (2011) policies 6.3, 6.9, 6.10 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel and ensure that development proposals will not adversely impact on the transport capacity and the transport network, at both corridor and local level. This is further emphasised by core policy CS 1 R of the Harrow Core strategy (2012). Policy DM 42 of the Harrow Development Management Local Plan outlines the council's parking standards and cycle parking standards.

The voluntary school travel plan which is currently in place is considered effective; indeed the number of children scooting to school has increased by 3% over the last year as well as the number of staff traveling to the school by public transport. The school has made a strong commitment to further developing this plan. However, it is also recognised that the aim of increasing sustainable travel requires the need for a culture change to influence attitudes and change behaviors. Transport for London operates an accreditation scheme known as STARS (Sustainable Travel Accredited And Recognised) which provides a robust framework for achieving sustainable transport targets and for increasing effectiveness year on year. As the travel plan is required to be reviewed annually, a condition is recommended to ensure that a travel plan is submitted for approval, during the course of the expansion period to ensure that the targets are closely monitored with the aspiration of achieving gold level accreditation under the STARS scheme. In this regard, it is likely travel behaviour can be positively influenced and traffic congestion at peak school drop off and pick up times can be effectively managed.

Parking near to the school is controlled by the existing controlled parking zone (CPZ) which operates Mon to Fri 10 am –11 am hence it is unlikely that the expansion would generate any long term parking issues on-street. The additional uplift of internal parking provision from 12-18 spaces is considered acceptable in placement and will assist in reducing the likelihood of on-street displacement. Given the highly constrained nature of the site and limited availability of parking spaces this provision is considered to be acceptable.

The changes to the vehicular and pedestrian access are considered to be an improvement in terms of layout, security and access and does not raise any safety or operational concerns. The 32 space cycle parking provision conforms to London Plan

2011 standards and will assist in the shift towards sustainable modes of travel for both pupils and staff. The application has been referred to the Highways Authority who has raised no objection to the proposal.

The transport impacts accordingly need to be weighed against the contribution that the proposals will make towards meeting forecast educational need. Subject to ongoing monitoring of the travel plan which can be secured by a condition, for the reasons outlined above the transport impacts of the proposal are considered to be acceptable, having regard to the aims and objectives of policy 6.3 of The London Plan, core policy CS 1 R of the Harrow Core Strategy, and policies DM 42 and 43 of the Harrow Development Management Policies Local Plan (2013).

### **Development and Flood Risk**

The NPPF (2012) outlines the need to manage flood risk from all sources (paragraph 100). Policies 5.13, 5.12 and 5.14 of The London Plan seek to address surface water management and a reduction in flood risk. Policy 5.13 of the London Plan requires that proposals should achieve greenfield run off rates and ensure that surface water is managed as close to its source as possible in accordance with the sustainable urban drainage (SUDS) hierarchy. Similarly, policy DM 10 of the Harrow Development Management Policies Local Plan (2013) requires that *“proposals for new development will be required to make provision for the installation and management of measures for the efficient use of mains water and for the control and reduction of surface water run off. Substantial weight will be afforded to the achievement of greenfield run off rates”*.

The site lies in flood zone 1 and therefore has a low risk of fluvial flooding. However, the site does lie within a critical drainage area and as such is at risk from flooding due to surface water. As such, there are no restrictions in planning policy for constructing of a building on the site, subject to surface water management controls.

Surface water attenuation tanks are proposed adjacent to the proposed buildings in order to achieve a discharge rate of 5 l/s which will meet the required greenfield run off rates and the 1 in 100 year flood event plus 30% for climate change. Flow rates will be managed through the use of hydro brake flow control devices. Foul water from the site will discharge to the existing drainage network. Permeable paving will be used across the site and there will also be an increase in the amount of soft landscaping which will improve the current drainage situation. The proposed details of surface water attenuation and arrangements for foul water have been referred to the Council's Drainage Engineers who are satisfied with the proposals, subject to further details being provided by condition.

Subject to the above, the development is considered to fulfil the objectives of the NPPF concerning managed impacts upon flood risk and would satisfy London Plan (2011) policies 5.12, 5.13 and 5.14, policy CS1 U of the Harrow Core Strategy and policy DM 10 of The Harrow Development Management Policies Local Plan (2013).

### **Accessibility**

The London Plan (2011) requires all new development in London to achieve the highest standards of accessibility and inclusive design as outlined under policy 7.2. Policy DM 2 of the Harrow Development Management Policies Local Plan (2013) seeks to ensure that buildings and public spaces are readily accessible to all.

Level access will be provided to the building both internally and externally around the building. The proposals include 18 marked car parking bays, including 1 accessible bay

located in close proximity to the schools main front entrance. All areas and circulation spaces within the building have been designed to be accessible in respect of door opening widths and internal circulation routes. Corridor widths would all have a minimum width of 1800mm and all doors would have a minimum clearance of 800mm. There is one platform lift serving the step in levels on the ground floor and the levels above with adequate manoeuvring space in front of the lift at each level. Unisex wheelchair accessible WCs would be provided at each level. Officers consider that these measures are acceptable to enable inclusive access for all throughout the school and would meet the requirements of policy 7.2 of the London Plan (2011) and policy DM 2 of the Harrow DMP LP (2013).

### **Sustainability**

London Plan policy 5.2 'Minimising Carbon Dioxide Emissions' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach, which is expanded in London Plan policies 5.3 to 5.11. Policy 5.2 B outlines the targets for carbon dioxide emissions reduction in buildings. These targets are expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations. Currently the target is a 40% reduction for all major development proposals. Policy 5.2 C outlines that "Major development proposals should include a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions are to be met within the framework of the energy hierarchy".

Policy DM 12 of the Harrow Development Management Policies Local Plan seeks to ensure that the design and layout of development proposals are sustainable. It states that development will need to "*utilise natural systems such as passive solar design and, wherever possible incorporate high performing energy retention materials*"..."*Proposals should make provision for natural ventilation and shading to prevent internal overheating and incorporate techniques that enhance biodiversity*". Policy DM 14 highlights that development proposals should incorporate renewable energy technology where feasible.

Harrow Council's Supplementary Planning Document on sustainable Building Design (adopted May 2009) seeks to address climate change through minimising emissions of carbon dioxide.

The application is accompanied by a Sustainability Assessment and Energy Strategy which identifies improvements above the baseline energy consumption and CO<sub>2</sub> emissions. The report indicates the development can achieve a 40% reduction in carbon dioxide emissions above standard building regulations. A number of renewable energy technologies have been considered in order to achieve the required 40% reduction outlined by the London Plan (2011). Photovoltaic panels have been identified as the most likely and feasible technology to be installed. The submitted energy report outlines that in respect of Building regulations approved document Part L2A, the Target Emissions Rate (TER) for Marlborough school is predicted to be 14.4kgCO<sub>2</sub>/m<sup>2</sup>/annum compared to an actual Building Emissions Rate of 8.7 kg CO<sub>2</sub>/m<sup>2</sup>/annum and therefore meets the required 40% target. In order to ensure this policy requirement is satisfied, a condition is recommended in respect of this, should approval be granted.

The application is accompanied by an initial BREEAM assessment which shows that the building is also targeted as BREEAM 'Very Good'. The application is also accompanied by a sustainability statement which outlines that the building has been developed with passive design in mind in order to produce the greatest impact on CO<sub>2</sub> emissions. The

orientation, form and envelope of the school has been designed to minimise uncontrolled heating and cooling and optimise daylight use. Glazing has been selected to balance the need to reduce summer heat gains with the beneficial effect of solar heating in winter and to give the right amount of daylight to the different orientations. It is proposed to use natural ventilation wherever possible and only a few rooms will require active cooling to be provided. The heating plant for the new building will be a high energy efficiency boiler with low NOx emissions.

All light fittings will be energy efficient. Windows will have an integrated louvre panel to allow for secure controlled ventilation during the day and night. The fabric of the building is intended to achieve low U values and all materials have been selected which have the capacity to store heat and will be able to help control internal temperatures in conjunctions with the proposed ventilation system. Materials will be sourced locally where possible. It is considered that the measures outlined within the sustainability report and the BREEAM pre-assessment can be secured by an appropriate planning condition.

For these reasons and subject to the above conditions, officers therefore consider that the proposal is in accordance with policies 5.2 and 5.3 of The London Plan, core policy CS1 T, policies DM 12 and DM 14 of the Harrow Development Management Policies Local Plan and the Councils adopted SPD Sustainable Building Design.

Policy 5.11 of the London Plan (2011) seeks to ensure development proposals provide site planting and increase biodiversity, for sustainable urban drainage and improve the character and appearance of the area. There will be a net increase overall of planting across the site. A comprehensive landscaping scheme has been submitted with the application which shows extensive landscaping across the site to include a diverse range of tree and shrub planting. Accordingly, a condition is recommended in respect of this and to ensure that the hard and soft landscaping proposals are implemented as detailed. Subject to these conditions, it is considered that the proposal will result in enhancement and diversification of the site and will make a positive contribution to the character of the area in accordance with policy 5.11.

### **Trees and Development and Biodiversity**

Policy 7.21B of The London Plan (2011) states that “Existing trees of value should be retained and any loss as the result of development should be replaced following the principle of ‘right place, right tree’. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species”.

Policy DM 22 of the Development Management Policies Local Plan states that:

*“A. The removal of trees subject to TPOs or assessed as being of significant amenity value will only be considered acceptable where it can be demonstrated that the loss of the tree(s) is outweighed by the wider public benefits of the proposal.”*

*“B. Development proposals will be required to include hard and soft landscaping that:*

- a. Is appropriate to the character of the area;*
- b. Is well laid out in terms of access, car parking and the living conditions of future occupiers and neighbours;*
- c. Achieves a suitable visual setting for the building(s);*
- d. Provides for sufficient space for new or existing trees and planting to grow; and*
- e. Supports biodiversity.”*

*“Proposals for works to trees in conservation areas and those the subject of tree*

*preservation orders will be permitted where the works do not risk compromising the amenity value or survival of the tree.”*

The applicant has provided an Arboricultural Assessment with the application. None of the trees are protected by a tree preservation order but nevertheless they make a positive contribution to the amenity value of the area. The existing tree cover is largely confined to the edges of the site and is generally well maintained. The report finds that the proposed new school building is largely free from tree constraints and all but eight trees can be retained and be provided with sufficient protection during the construction process. However, all removed trees will be replaced on a one for one basis with new heavy standard or extra heavy standard trees that will rapidly make a significant landscape contribution. It is also noted that a number of new trees are proposed around the perimeter of the site which would also make a positive contribution to the character and appearance of the development.

As outlined above, the site will be extensively landscaped with new trees and planting which in this case together with the new educational facilities would significantly outweigh the loss of trees.

The application has been referred to the Council’s Arboricultural Officer and landscape Architect who are satisfied with the conclusions of the report, subject to a condition that the recommendations within the report are adhered to through the construction process including the method statement and proposed tree protection plan as well as provision of a final detailed hard and soft landscape strategy for the site. Accordingly, conditions are recommended in respect of this.

Policies DM 20 and DM 21 seek to ensure the protection of biodiversity and access to nature. Policy DM 20 requires that *“The design and layout of new development should retain and enhance any significant features of biodiversity value within the site. Potential impacts on biodiversity should be avoided or appropriate mitigation sought”*. Policy DM 21 outlines that proposals should secure the restoration and recreation of significant components of the natural environment.

The biodiversity of the site will be enhanced through the creation of habitat zones and new trees and shrubs. To ensure that no offences occur under the wildlife and Countryside Act 1981, a condition is recommended to ensure that any vegetation clearance work is undertaken outside of the bird nesting season between March and August or if this is not possible for a suitably qualified ecologist to determine if nesting birds are present before any vegetation clearance takes place. In addition, a condition is recommended for bird boxes or bird bricks to be erected in suitable locations on the new school buildings which would cater for Regional (London) or UK Biodiversity Action Plan (BAP) species.

Subject to conditions in respect of the above matters, officers consider that the ecological and aesthetic value of the area would be significantly enhanced and the development would thereby comply with policies 7.21 and 7.19 of The London plan (2011) and policies DM 20, 21 and 22 of the Harrow Development Management Policies Local Plan (2013).

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

Policy 7.3 of The London Plan (2011) and core policy CS1 E of the Harrow Core Strategy 2012 seek to ensure that developments should address security issues and provide safe and secure environments. The proposed site is within a residential area and as such, the

school receives very good levels of natural surveillance. The site will be protected by a secure line which will prevent people gaining access to the rear of the site unless through the designated entrance. The cycle parking spaces on the southern side of the site will be covered by CCTV coverage. All external windows and doors are to meet PAS:2012 or STS 201 minimum standards. The main entrance, the pedestrian entrance to the nursery and the car park area and cycle store will be lit in accordance with Secured by Design advice. The proposed layout of the site has been discussed and reviewed with the Council's Crime Prevention Design Adviser who is satisfied the school can achieve full Secure by Design. As such, a condition is attached to ensure that the security measures outlined are implemented on site.

### Consultation Responses

- The proposed three storey building would be too close to the properties in Badminton Close and would result in a loss of daylight and sunlight.
- **This is addressed in sections 2 and 3 of the above appraisal.**
- The proposed building will be detrimental to the residential amenities of the occupiers of Badminton Close.
- **This is addressed in sections 2 and 3 of the above appraisal.**
- The site is too small for the proposed number of children.
- **This is discussed in sections 1 and 2 of the above appraisal.**
- Is it necessary to sacrifice valuable play space for parking?
- **A minimum amount of parking is provided for the total numbers of staff in line with objectives for sustainable travel. The amount of play space provided for children is assessed under separate criteria by the Education Department and does not represent a material planning consideration in the assessment of this application.**

### CONCLUSION

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

### CONDITIONS

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

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

2 Save where varied by the other planning conditions comprising this planning permission, the development hereby permitted shall be carried out in accordance with the approved plans: 1.2.6.1. Rev 3; 1.4.1.4.7 Rev 2; 1.4.4.3 Rev 2; 682-(00)000 Rev 00; 682-(00)001 Rev 00; 682-(00)010 Rev 07; 682-(00)011 Rev 07; 682-(00)012 Rev 07; 682-(00)013 Rev 08; 682-(00)030 Rev 02; 682-(00)031 Rev 02; 682-(00)110 Rev 01; 682-(00)111 Rev 01; 682-(00)200 Rev 02; 682-(00)300 Rev 00; 682-(00)301 Rev 00; Design and Access Statement (October 2014) Ref: 682-(RP)DAS-00; Planning Statement (October 2014) Ref: 682-(RP)PLS-00; Secure by Design Statement (October 2014) Ref: 682-(RP)SBD-00; 682 (SC) MAT-00-Material Schedule (dated 14/10/2014); 682-(VS) 001 Rev 01; 682-(VS)002 Rev 01; 682-(VS) 004 Rev 01; 682-(VS) 005 Rev 01; 682-(VS) 008 Rev 01; Marlborough Primary School – BREEAM-Planning Pre-Assessment Report (dated 16/10/2014); D2229 L.100; D2229 L.200; D2229 L.201; D2229 L.300; D2229 L.401; D2229 L.402; D2229 L.600; Marlborough Primary School – Energy Statement –



October 2014; Marlborough Primary School – Noise Impact Assessment; Arboricultural Impact Assessment At Marlborough Primary School (dated 16.10.2014) by A.T Coombes Associates Ltd; Marlborough Primary School – Community Access Statement; Marlborough Primary School – Construction Method Statement Ref: 141017; Marlborough Primary School – Ground Investigation Technical Summary (dated February 2014); Marlborough Primary School – Sustainability Statement (October 2014); Marlborough Primary School – School Travel Plan (2014); Daylight Analysis – BRE 209 Site layout Planning for Daylight and Sunlight by Lighting Analysis (dated 17<sup>th</sup> October 2014) ; 1.2.8.1 Rev 01; Marlborough Primary School – Lettings Policy titled: Hiring of Education/Community Premises

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

3 Notwithstanding the details shown on the approved plans and documents, details and samples of the materials to be used in the construction of the external surfaces noted below shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any work above DPC level of the buildings hereby permitted is carried out.

a: the external surfaces of the building

b: the ground surfacing

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 locality, in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

4 Notwithstanding the details on the approved plans, the development hereby permitted shall not be occupied until details of hard and soft landscape works have been submitted to, and approved in writing by the Local Planning Authority. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in compliance with policies DM 1, DM 22 and DM 23 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 buildings, 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, in compliance with policies DM 1 and DM 22 of the Harrow Development Management Policies Local Plan (2013).

6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policies DM 1 and DM 22 of the Harrow Development Management Policies Local Plan (2013).

7 Notwithstanding the details on the approved plans, prior to the construction of the boundary treatment hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to, and approved in writing by, the local planning authority.

The boundary treatment for each phase shall be completed before the development within that phase is occupied and shall thereafter be retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

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

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 DM 1 and DM 10 of the Harrow Development Management Policies Local Plan (2013).

9 The buildings hereby permitted shall not be occupied until details of works for the disposal of sewage and surface water have been submitted to and approved in writing by, the local planning authority. The works shall be implemented in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with the National Planning Policy Framework (2012) and Policy DM 10 of the Harrow Development Management Policies Local Plan (2013) and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF (2012).

10 Details of the 32 cycle storage spaces on the site shall be submitted to and approved in writing by The Local Planning Authority. The cycle storage thus approved shall be implemented on site for the sole use of the school and shall be retained for the duration of this educational use on the site. The use hereby approved shall not commence until the cycle parking scheme has been implemented in accordance with the approved details and thereafter retained.

REASON: To ensure the satisfactory provision of safe cycle storage facilities, to provide facilities for all the users of the site and in the interests of highway safety and sustainable transport, in accordance with policy 6.9B of The London Plan 2011 and policy DM 42 of the Harrow Development Management Policies Local Plan (2013).

11 The Marlborough School Travel Plan (2014) shall be implemented in accordance with the approved details upon the first occupation of the development hereby approved. Thereafter a Travel Plan review shall be undertaken and a revised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority annually and not later than 31<sup>st</sup> August for each year of the expansion of the school. The mitigation measures identified in the Travel Plan shall be implemented for the duration of the development.

REASON: To promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with London Plan polices 6.1 and 6.3 and

policy DM 42 of the Harrow Development Management Policies Local Plan (2013).

12 The development hereby permitted, shall be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment at Marlborough School by A.T Coombes Associates (dated 16<sup>th</sup> October 2014). This will include that replacement tree planting is provided and that the details are submitted for approval in accordance with condition 4 of this permission, arboricultural supervision is undertaken throughout the project and the development shall be carried out in accordance with the Method Statement and Tree Protection Plan. The tree protection measures shall be erected before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, and as required by policy DM 22 of the Harrow Development Management Policies Local Plan (2013).

13 If the development hereby permitted commences during the bird breeding season (March to August) inclusive trees and buildings in the vicinity of the site shall be examined for nests or signs of breeding birds. Should an active bird's nest be located, time must be allowed for birds to fledge and the nest should not be disturbed during building works.

REASON: To safeguard the ecology and biodiversity of the area in accordance with policies DM 20 and DM 21 of the Harrow Development Management Policies Local Plan (2013).

14 The development hereby permitted shall not commence above DPC level, until details of bat tubes and bird bricks to be built into the fabric of the building and details of bird and bat boxes to be cater for National/Regional (London) or UK Biodiversity Action Plan (BAP) species, to be erected on the development or within the site, have been submitted to and approved in writing by the Local Planning Authority. The details approved shall thereafter be retained.

REASON: To enhance the ecology and biodiversity of the area in accordance with policies DM 20 and DM 21 of the Harrow Development Management Policies Local Plan (2013).

15 Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken demonstrating compliance with the approved Sustainability Strategy (October 2014), BREEAM-Planning Pre-Assessment Report (dated 16/10/2014); and Energy Strategy (October 2014) which thereafter shall be submitted to the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with Policies 5.2, 5.3, 5.7, 5.10 and 5.11 of The London Plan (2011), policies DM 12 and DM 14 of the Harrow Development Management Policies Local Plan 2013 and adopted Supplementary Planning Document Sustainable Building Design (2009).

16 The level of noise emitted from the new building services plant shall be lower than the existing background level by at least 10 LpA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with BS 4142. The background noise level

shall be expressed as the lowest LA90. Following installation but before the new building services plant comes into operation a report demonstrating compliance with the above condition must be submitted to and approved in writing by the Local Planning Authority before the plant comes into operation.

REASON: To ensure that the proposed development does not give rise to noise and odour/fume nuisance to neighbouring residents in accordance with policy DM 1 of the Harrow DM 1 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 undue noise nuisance to neighbouring residents, in accordance with policy 7.6B of the London Plan (2011) and policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

18 The use of the development shall not commence until a community use agreement and management strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include access by non educational establishments, details of activities/events and the numbers of persons attending including a mechanism to record usage, details of pricing policy, hours of use, management responsibilities, and a mechanism for review. The development shall not be used at any time other than in strict compliance with the approved community use agreement and management strategy and it shall be kept updated to reflect changing usage of the building/external spaces and shall be made available at anytime for inspection upon request for the local planning authority.

REASON: To secure well managed and safe community access to the facilities provided in accordance with policy DM 46 of the Harrow Development Management Policies Local Plan (2013) and to ensure that the community use would not give rise to adverse detrimental impacts on the residential amenities of the surrounding neighbouring occupiers in accordance with policy 7.6B of the London Plan (2011) and policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

19 The use hereby permitted shall not be open to the public (including school pupils) outside the hours of 7am – 11pm unless otherwise approved in writing by the Local Planning Authority.

REASON: To safeguard the amenities of the neighbouring occupiers in accordance with policy 7.6 of The London Plan 2012

20 The hard surfaced sports pitch hereby permitted shall not be floodlit and shall not be open to the public (including school pupils) outside the hours of 7am – 7:00pm Monday to Friday or 9:00am to 5:00pm on Saturday and Sunday and Bank Holidays, unless otherwise approved in writing by the Local Planning Authority.

REASON: To safeguard the amenities of the neighbouring occupiers in accordance with policy 7.6 of The London Plan 2011.

21 The vehicle crossing to Badminton Close hereby permitted, shall only be used for emergency vehicle access only and for no other purpose.

REASON: To safeguard the amenities of the neighbouring occupiers in accordance with policy 7.6 of The London Plan 2011, policy DM 1 of the Harrow Development Management Policies Local Plan 2013 and in the interests of highway safety in accordance with policy Dm 42 of the Harrow Development Management Policies Local

22 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 implemented on site 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. **Windows:** Ground floor or accessible windows certificated to PAS24:2012 (or STS 204) with Glazing to include one pane of laminated glass to BS EN 356 level P1A
2. **Doors:** External Doors certificated to PAS24:2012, STS 201, LPS 1175 SR2 or STS 202 BR2

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 DM 2 of the Harrow Development Management Policies Local Plan (2013), and Section 17 of the Crime & Disorder Act 1998.

## INFORMATIVES

1 The following policies are relevant to this decision:

### **National Planning Policy:**

National Planning Policy Framework (2012)

### **The London Plan (2011):**

- 3.16 – Protection and Enhancement of Social Infrastructure
- 3.18 – Education Facilities
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.6- - Decentralised Energy in development proposals
- 5.7 – Renewable Energy
- 5.8 – Innovative Energy technologies
- 5.9 – Overheating and Cooling
- 5.10 – Urban Greening
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 5.13 – Sustainable Drainage
- 5.18 – Construction, excavation and demolition waste
- 6.3 – Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.10 – Walking
- 6.13 – Parking
- 6.11 – Smoothing traffic flow and tackling congestion
- 7.1 – Building London’s neighbourhoods and communities
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.5 - Public Realm
- 7.6 – Architecture
- 7.8 – Heritage Assets

- 7.13 – Safety, security and resilience to emergency
- 7.15 – Reducing noise and enhancing soundscapes
- 7.18 – Protecting Local Open space and Addressing Local Deficiency
- 7.19 – Biodiversity and Access to Nature
- 7.21 – Trees and Woodlands

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

CS1: Overarching Principles

- \* CS1 B – Local Character
- \* CS 1 Q/R – Transport
- \* CS 1 T – Sustainability
- \* CS 1 U – Sustainable Flood Risk Management

### **Harrow Development Management Policies Local Plan (2013):**

- Policy DM 1 – Achieving a High Standard of Development
- Policy DM 2 – Achieving Lifetime Neighbourhoods
- Policy DM 7 – Heritage Assets
- Policy DM 9 – Managing Flood Risk
- Policy DM 10 – On Site Water Management and Surface Water Attenuation
- Policy DM 12 – Sustainable Design and Layout
- Policy DM 14 – Renewable Energy Technology
- Policy DM 18 – Protection of Open Space
- Policy DM 19 – Provision of New Open Space
- Policy DM 20 – Protection of Biodiversity and Access to Nature
- Policy DM 21 – Enhancement of Biodiversity and Access to Nature
- Policy DM 22 – Trees and Landscaping
- Policy DM 23 – Streetside Greenness and Forecourt Greenery
- Policy DM 42 – Parking Standards
- Policy DM 43 – Transport Assessments and Travel Plans
- Policy DM 44 - Servicing
- Policy DM 45 – Waste Management
- Policy DM 46 – New Community Sport and Educational Facilities

### **Other Relevant Guidance:**

- Supplementary Planning Document Sustainable Building Design (2009)
- Supplementary Planning Document: Access for All (2006)
- Harrow Surface Water Management Plan (2012)

## **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.

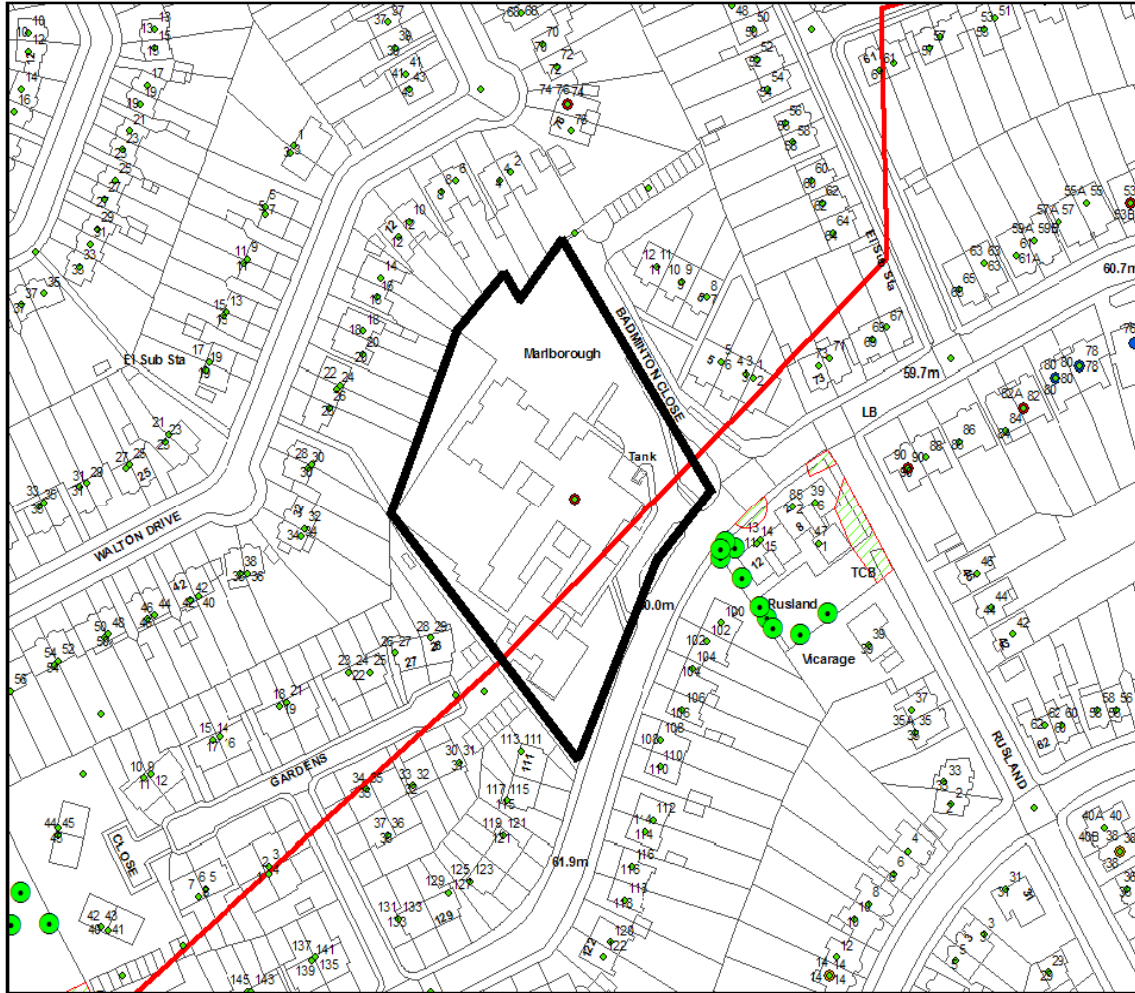
- Beginning development in breach of a planning condition will invalidate your planning permission.

- 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 INFORM\_PF1

Plan Nos: 1.2.6.1. Rev 3; 1.4.1.4.7 Rev 2; 1.4.4.3 Rev 2; 682-(00)000 Rev 00; 682-(00)001 Rev 00; 682-(00)010 Rev 07; 682-(00)011 Rev 07; 682-(00)012 Rev 07; 682-(00)013 Rev 08; 682-(00)030 Rev 02; 682-(00)031 Rev 02; 682-(00)110 Rev 01; 682-(00)111 Rev 01; 682-(00)200 Rev 02; 682-(00)300 Rev 00; 682-(00)301 Rev 00; Design and Access Statement (October 2014) Ref: 682-(RP)DAS-00; Planning Statement (October 2014) Ref: 682-(RP)PLS-00; Secure by Design Statement (October 2014) Ref: 682-(RP) SBD-00; 682 (SC) MAT-00-Material Schedule (dated 14/10/2014); 682-(VS) 001 Rev 01; 682-(VS)002 Rev 01; 682-(VS) 004 Rev 01; 682-(VS) 005 Rev 01; 682-(VS) 008 Rev 01; Marlborough Primary School – BREEAM-Planning Pre-Assessment Report (dated 16/10/2014); D2229 L.100; D2229 L.200; D2229 L.201; D2229 L.300; D2229 L.401; D2229 L.402; D2229 L.600; Marlborough Primary School – Energy Statement – October 2014; Marlborough Primary School – Noise Impact Assessment; Arboricultural Impact Assessment At Marlborough Primary School (dated 16.10.2014) by A.T Coombes Associates Ltd; Marlborough Primary School – Community Access Statement; Marlborough Primary School – Construction Method Statement Ref: 141017; Marlborough Primary School – Ground Investigation Technical Summary (dated February 2014); Marlborough Primary School – Sustainability Statement (October 2014); Marlborough Primary School – School Travel Plan (2014); Daylight Analysis – BRE 209 Site layout Planning for Daylight and Sunlight by Lighting Analysis (dated 17<sup>th</sup> October 2014) ; 1.2.8.1 Rev 01; Marlborough Primary School – Lettings Policy titled: Hiring of Education/Community Premises

MARLBOROUGH PRIMARY SCHOOL, MARLBOROUGH HILL, HARROW





Item No: 1/02

Address: HARROW MUSEUM (TITHE/ GREAT BARN), HEADSTONE MANOR RECREATION GROUND, PINNER VIEW, HARROW

Reference: P/3758/14

Description: CHANGE OF USE OF TITHE BARN (GREAT BARN) FROM MUSEUM (USE CLASS D1) TO ASSEMBLY & LEISURE (USE CLASS D2) AND ASSOCIATED EXTERNAL ALTERATIONS ALREADY APPROVED UNDER APPLICATIONS P/2967/13 (LISTED BUILDING CONSENT) AND P/3369/13. PROVISION OF AN OVERFLOW CAR PARK (UP TO AN ADDITIONAL 140 SPACES) TO THE EAST OF EXISTING CAR PARK AND ALTERATIONS TO EXISTING CAR PARK

Ward: HEADSTONE NORTH

Applicant: HEADSTONE MANOR MUSEUM & HERITAGE CENTRE

Agent: BUTTRESS

Case Officer: SUSHILA BHANDARI

Expiry Date: 25/12/2014

## **RECOMMENDATION**

Under Regulation 3 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 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is the London Borough of Harrow and the land at Harrow Museum, Headstone Manor, Pinner View, Harrow HA2 6PX which is located on the grounds of Headstone Manor Recreation Ground.

## **REASON**

The proposed development would allow the transfer of the existing Museum use to the Manor House and Small Barn, which has been approved under a separate application P/3757/1 and to allow the Great Barn to be converted into a commercial use to financially support the Headstone Manor Complex. The proposal would deliver a community and commercially viable use to sustain the future of the Estate. The proposed change of use and the extension to the existing car park would ensure that there would be no detrimental impact upon the openness and character of the Metropolitan Open Land and would preserve the setting of the listed buildings located on this estate. Subject to appropriate mitigations and enhancements the proposal would have no impact upon the ecological value of the site. The proposal would have no impact upon the residential amenities of the any neighbours.

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.

## **INFORMATION**

The application is reported to the Planning Committee because the Council is the Landowner and the application site has a site area greater than 1.0ha and therefore the proposal would fall within the definition of a Major Development.

## **Legal Comments**

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

The application is made by LB Harrow who intends to carry out the development on the land at Harrow Museum, Headstone Manor, Pinner View, Harrow HA2 6PX.

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

**Statutory Return Type:** Major Development

**Council Interest:** The Council is the landowner.

**Gross Floorspace:** sqm

**Net additional Floorspace:** sqm

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

## **Site Description**

- The application site comprises a group of buildings forming part of the Headstone Estate, located within Headstone Manor Recreation Ground.
- The estate comprises the Manor House which is a Grade I Listed building, Great Barn (also known as Tithe Barn) which is a Grade II\* Listed building built circa 1506, Small Barn which is also Grade II Listed building built circa 1550 and The Granary which was built circa early 19th century.
- There is a man made moat around the Manor House which was constructed circa 1300 and can be accessed via a bridge.
- All buildings except the Great Barn are subject of this current application.
- Great Barn is the largest of the barns on the estate and last contained the museum shop, café and temporary exhibition space and private hire space. The museum is now closed to the public, pending restoration works that have already been approved under P/3369/13 and accompanying Listed Building consent granted under P/2967/13.
- The Manor House has limited public access through organised tours of the building only.
- The Granary building contains the museums permanent exhibition. This buildings was originally built on the Pinner Park Farm but was relocated to the Headstone Manor Estate in 1991. This building was originally listed Grade II when it was sited at Pinner

Park Farm. It was de-listed once it was relocated to Headstone Manor Estate. However it has been designated on 13th August 2014 as Grade II Listed.

- The Small Barn is currently close to the public and is currently in use for storage purposes.
- To the southeast of the main historic building is the public car park which has capacity for 78 cars. Directly to the south of this car park is Museum's office, storage and yard area.
- The historic buildings on the site, including the public toilet block and the moat are all located on land designated as scheduled ancient monument and archaeological priority area.
- Yeading Brook runs through the site and as such the site is designated a functional Flood Zone 3B as defined by the flood maps held by Harrow's Strategic Flood Risk Assessment.
- The application site is located in a designated Site of Importance for Nature Conservation (SINC).
- The application site, with the exception of the area where the proposed new welcome building is located within the boundaries of Harrow and Wealdstone Intensification Area. The site falls within the sub area of Wealdstone West and it is also an allocated opportunity site (Site 1) as defined in the Harrow and Wealdstone Area Action Plan 2013.
- The wider Recreation Grounds is designated as a Metropolitan Open Space.

### **Proposal Details**

- The proposal seeks the change of use of the Great Barn from a museum to permit the use of the building for purposes of assembly and leisure (use class D2).
- Currently the Barn is closed to the public for refurbishment.
- The external and internal alterations to the Barn have already been approved under applications P/2967/13 (Listed Building Consent) and P/3369/13.
- It is proposed to operate the new use between the hours of 10.00am to 12am midnight on Mondays to Sundays.
- The Barn has a total internal floor area of 551sqm.

### **Car Park Extension and Associated landscaping**

- Provision of an overflow car park (up to an additional 140 spaces) to the east of existing car park and alterations to existing car park

### **Revisions to Previous Application**

- N/A

### **Relevant History**

LBH/36155

Application under Reg 4 of T.&C.P Gen Reg 1976 proposed erection of granary building re-located from pinner park farm

Granted – 29/09/1988

LBH/6927

Demolish toilets at rear and repair and restore building

Granted - 05/01/1972

LBH/29487

Application under regulation Reg 4 of T.&C.P Gen Reg 1976 : alterations & conversion of

'the tithe barn' into museum and conversion of 'the manor' into a dwelling and museum  
Granted - 13/03/1986

LBH/29488

Listed building consent: alterations and conversion into curator's dwelling and museum  
Granted - 23/04/1986

LBH/29489

Listed building consent: alterations and conversion to museum  
Granted - 23/04/1986

WEST/199/93/

Listed building consent: glazing of wagon porch entrance doors on front elevation  
Granted - 03/08/1993

WEST/486/95/LBC

Listed building consent: internal & external alterations; including new entrance door; stairs; partition & repair of frame (revised)  
Granted - 08/04/1998

P/755/06/DFU

External alterations to vacant WC block, and use of building to provide toilet and changing room facilities & store area for tractor  
Granted - 17/05/2006

WEST/372/02/LBC

Listed building consent: structural repairs and new steel support structure; new west entrance door; new internal stair; and renewal of internal and external finishes  
Granted - 05/08/2002

P/1154/05/CLB

Listed building consent: expose and repair hidden window on east elevation  
Granted - 17/08/2005

P/2967/13

Listed building consent: restoration and refurbishment of the tithe barn to improve existing facilities and provide level access including internal and external alterations including new/relocated CCTV cameras on the barn, new lighting, replacement doors, raising the height of the roof of the barn (to accommodate new insulation), amendments to the opening of the rear door and replacement doors and ramp at the rear and associated guard rails  
Granted - 17/03/2014

P/3369/13

External alterations to the tithe barn including raising height of roof ridge, amendments to width of rear door opening and replacement doors, introduction of level access at the rear and CCTV cameras on front, side and rear elevations. External alterations to the granary including renewal of CCTV cameras  
Granted - 20/12/2013

P/3757/14

Regeneration works to headstone manor estate comprising the following works:

Headstone manor: external and internal alterations (including installation of platform lift and accessible WC) to listed manor and change of use to museum (use class d1)

Small barn: new porch entrance and internal/ external alterations to building to provide a new museum entrance to the site

Granary: internal alterations comprising the installation of a platform lift to existing building providing educational/ learning centre for the estate and associated external alterations already approved under applications p/2967/13 (listed building consent) and p/3369/13.

New welcome building (within south-east section of site) with cafe, shop and public accessible toilets (use class sui-generis)

Associated landscaping

Provision of an overflow car park (up to an additional 140 spaces) to the east of existing car park and alterations to existing car park

Granted -23/12/2014

P/3797/14

Listed building consent: internal and external alterations to Headstone Manor, the granary, great barn and the small barn including: repairs and accessibility alterations for conversion of headstone manor house to a public museum (including platform lift and accessible WC); accessibility alterations and conversion of small barn and addition of a porch; accessibility alterations to the granary (including installing a platform lift and external alterations); CCTV to the great barn

Planning Committee on 18/12/14 resolved to grant subject to referral to National Planning Casework Unit.

P/4152/14

Installation of a biomass boiler and fuel store within a container and associated underground pipework

Under Consideration

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

- The Museum project team have had pre-applications discussion with the local planning authority to discuss site constraint associated with the development site and the required documentation required to submit a formal planning and listed building applications.

### **Applicant Submission Documents**

**Planning Statement** – sets out the proposed scope of works, reasoning behind the proposed works and should be read in conjunction with the Design and Access Statement.

**Design and Access Statement** – this document provides an overview on the design, access and conservation principles applied to each elements of the development proposal. It sets out that conservation priorities are the primary driver for the proposals which outweigh the functional requirement of public. The proposals have been developed

to ensure that the historic fabric is conserved and that any interventions are kept to an absolute minimum.

**Heritage Statement** – this document sets out the level of significance of each asset on the site.

**Biodiversity Report (by Harrow Council)** – this document sets out the site nature conservation importance and the aims and objectives to protect and enhance the site's biodiversity. It sets out the measures on how biodiversity on the site could be achieved and the relevant recommendation pertaining to each compartment of land.

**Archaeological Impact Assessment** – sets out the extent of the Ancient Scheduled Monument designation and the level of importance and historical value of each building on the site together with the grounds that the buildings are located on.

**Energy Statement** – sets out how the new service installation that is to be designated to be energy efficient and incorporate energy saving components to minimise energy consumption.

**External Lighting Report** – provides details for the external lighting scheme and the proposed hours of when lighting would be in operation for the site.

**Landscape Statement/ Landscape Statement Addendum** - provides the landscape strategy to be undertaken for the site.

**Sustainability Statement** – sets out the various options that were considered to provide a long term sustainable energy to the site both in terms of running costs and energy consumption. This report identifies the preferred option to provide a sustainable form of energy to the site.

**Statement of Community Involvement** – sets out the measures that were employed to engage the community on the proposed development and future visions for the site.

**Tree Survey Report** – sets out the survey undertaken for the site and its immediate surroundings and includes the arboricultural impact assessment and method statement.

**Flood Risk Assessment Draft Report** – sets out the flood risk to the site from various sources and provides options that could be used to reduce flood risk to the site and its surroundings.

**Preliminary Ecological Assessment Report (October 2014)** – sets out the findings of an extended Phase 1 habitat survey of the development site and sets out the baseline ecological condition within and around the site, the potential presence of protected or notable species and the requirement for further surveys and site mitigation.

## **Consultations**

English Heritage (summarised) :

Support the scheme in principle, but would wish to continue discussions on fine details of the conservation and alterations of the listed building, and the design of the new building.

Scheduled monument consent will be also required, but on the basis of negotiations to date, we would envisage recommending to the Department of Culture, Media and Sport

that conditional consent be granted for any such application.

Environment Agency 1<sup>st</sup> Consultation Response – 31.10.2014 (summarised):

Objection for following reasons:

- The applicant has not demonstrated that the storage volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided on site.
- The applicant has not demonstrated that sustainable drainage systems (SuDS) will be used on site to provide storage for surface water generated on site, in line with the National Planning Policy Framework paragraph 103 that requires development to give priority to the use of SuDS.
- The applicant has not demonstrated that the peak discharge rate for all events up to and including the 1 in 100 chance in any year critical storm event, including an appropriate allowance for climate change, will not exceed 3 times the greenfield runoff rate. Where 3 times the greenfield runoff rate cannot be met, evidence must be provided that demonstrates the greatest feasible reduction has been achieved, which must be a minimum of a 50% reduction in line with the London Plan Supplementary Planning Guidance.

In addition to the above the following observations were made:

- The FRA refers to two possible runoff rates in section 6.4; however it is not clear which is proposed for the development and the justification for selection. In addition the estimate existing rate of 601l/s for the 1 in 100 year event is high. Runoff rates should be calculated using IOH124
- Table 6.4 indicates values of attenuation required however these are not supported by calculations or demonstration of how they were achieved
- Surface water for up to the 1 in 100 chance in any year storm event, including an allowance for climate change, must be safely contained on site. It is acceptable to partially flood the site during this event, ensuring that buildings are not affected by flooding and the site can be safely navigated by users. Where this flooding will be within roads or pathways, the applicants must ensure that safe access and egress is still available.
- The applicant must demonstrate through their surface water strategy that the proposed development will not create an increased risk of flooding from surface water and that the surface water run-off rate has been reduced to 3 times the greenfield runoff rate or by at least 50% in line with the London Plan Policy 5.13 and its Supplementary Planning Guidance on Sustainable Design and Construction.
- The surface water strategy must demonstrate that the use of SuDS has been given priority over more traditional pipe and tank systems, providing justification where it is not considered practicable to utilise SuDS on site. The surface water strategy should be carried out in accordance with the National Planning Policy Framework and “Planning Practice Guidance: Flood Risk and Coastal Change’ giving preference to infiltration over discharge to a watercourse, which in turn is preferable to discharge to surface water sewer.

Environment Agency 2<sup>nd</sup> Consultation Response – 11.12.2014 (summarised):

The attached information is sufficient to overcome our objection subject to the inclusion of

suggested condition.

Natural England:

No objection but should apply their Standing Advance on protected species.

**Advertisement**

Major Development

Setting of a Listed Building

Posted: 09.10.2014

Expired: 30.10.2014

**Notifications**

Sent: 79

Replies: 1

Expiry: 24.10.2014

**Addresses Consulted**

Fairfield Drive – 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

Parkfield Gardens – 8, 10, 12, 14, 18, 16, 20, 22, 24, 26, 28

Pinner View – 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 172

Victor Road – 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90

Wooster Mews – 1, 2, 3, 4, 5, 6

Parkside Way – 106

Holmwood Close – 5, 6, 7, 8, 9, 10

The Pavillion – Headstone Manor

The Nursery – Headstone Manor

Leisure Centre, Kodak Sports Grounds, Harrow View

**Summary of Responses**

- No objection to the proposal in principle – however do wish to comment on the proposed alterations to the existing car park and the proposed overflow car park.
- Due regard is paid to the protection of the amenity of the future residents who will occupy the development on the Kodak Site (Phase 1b)
- The proposed landscaping does not consider the outlook of future residents immediately to the east of the proposed car park
- Likely to intensify the use of the area by vehicles at peak times – potential increase in noise levels.
- Any future lighting to the car park area should be directed away from the neighbouring future occupiers.

**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.

Further Alterations to London Plan (FALP) now post examination and may be given significant weight. Consultation on the draft alterations was held during January 2014 to April 2014. The FALP has been primarily prepared to address key housing and employment issues. The FALP identifies Harrow and Wealdstone as an opportunity area and therefore will support development proposals with higher densities to meet London's housing needs.

## **MAIN CONSIDERATIONS**

Principle of the Development/ Development on Metropolitan Open Space/ Impact upon the Openness of the MOL

Character and Appearance of the Area/ Setting of Listed Buildings

Site of Archaeological Importance and Scheduled Ancient Monument

Biodiversity

Trees

Development and Flood Risk

Traffic and Parking

Residential Amenity

Accessibility

Sustainability

Statement of Community Involvement

S17 Crime & Disorder Act

Equalities Impact

Environmental impact Assessment (EIA)

Consultation Responses

## **Principle of the Development/ Development on Metropolitan Open Space/ Impact upon the Openness of the MOL**

### **Policy Context**

The National Planning Policy Framework (NPPF) 2012 affords the same level of protection to land designated as Metropolitan Open Space (MOL) as that applied nationally to the Green Belt, including the presumption against inappropriate development and the test of very special circumstances.

Paragraphs 79 – 92 of the NPPF provide policy guidance in relation to 'Protecting Green Belt Land', stating that the fundamental aim is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 sets out the five main purposes of the Green Belt:

- To check the unrestricted sprawl of large built-up areas
- To prevent neighboring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encourage the recycling of derelict and other urban land

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 of the NPPF states that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'*.

The NPPF goes on to inform the determination of whether any particular development in the Green Belt is appropriate or not, by stating in paragraph 89 that 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. It does however set out six exceptions to this, which *inter alia* include provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Policy 7.17 of the London Plan supports the aim of the NPPF and states that 'the strongest protection should be given to London's Metropolitan Open Land and inappropriate development should be refused except in very special circumstances, giving the same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL'

This is further supported by Policy CS1.F of Harrow's Core Strategy which seeks to safeguard the quantity and quality of the MOL from inappropriate or insensitive development. This is supported by policy DM16 of the Development Management Policies Local Plan (DMP) which states that 'proposals for inappropriate redevelopment or which, for other reasons, would harm the Green Belt or Metropolitan Open Land will be refused in the absence of clearly demonstrated very special circumstances'.

Policy DM17 of the DMP will support proposals for the beneficial use of land in the MOL where the use would not have a greater impact on the openness of the MOL and the purposes of including land within it than the existing use. Regard will be given to *inter alia* the visual amenity and character of the MOL, the potential for enhancing public access within the MOL and the setting that the proposed use would provide for heritage assets within the MOL.

Unlike PPG 2, the NPPF does not give specific guidance on how to assess impacts on MOL openness. The London Plan is also silent on this matter. However, Policy DM16 of the DMP requires the assessment of MOL openness to have regard to

- a. the height of existing buildings on the site;*
- b. the proportion of the site that is already developed;*
- c. the footprint, distribution and character of existing buildings on the site; and*
- d. the relationship of the proposal with any development on the site that is to be*

*retained.*

This policy recognises that judging impacts on MOL openness involves more than a mathematical exercise of comparing existing and proposed footprints, floor areas and volumes

The application site, with the exception of the area where the proposed new welcome building (which has been considered acceptable under P/3757/14) is located within the boundaries of Harrow and Wealdstone Opportunity Area. The site falls within the sub area of Wealdstone West and it is also an opportunity site (Site 1) as defined in the Harrow and Wealdstone Area Action Plan 2013

The AAP *inter alia* sets out the following key objectives for the Headstone Manor site and environs:

- *To restore and enhance the Headstone Manor complex to ensure it continues to contribute to the diversity of Harrow's suburban fabric.*
- *To raise the profile of the Headstone Manor complex as one of Wealdstone's, Harrow's and London's most significant heritage assets through visual and physical access improvements.*
- *Support the development of commercial and cultural opportunities that are sensitive to the Grade I listed Manor's role as a financially sustainable destination.*
- *Promote opportunities for flood mitigations, biodiversity and landscape management.*

### **Appraisal of Proposed Development**

Each aspect of the proposed scheme is considered against the above policies.

#### **Great Barn**

The change of use of the Great Barn from a museum (use class D1) to an assembly and leisure (use class D2) would be accommodated within the existing layout of the building with a number of minor interventions to the listed building, which have already been approved under applications P/2967/13 (Listed Building Consent) and P/3369/13.

The proposed change of use would allow this building to be brought into a commercially viable use which would in turn enable the long term sustainability of the wider Headstone Manor complex. The commercial funding would facilitate the wider Manor Estate to remain open for the wider community. It is acknowledged that the intended use of the building to hold weddings and conferencing facilities would intensify the use of this building and would consequently increase the amount footfall to the wider Estate complex. However, any impacts would be off-set by the positive attraction of drawing more visitor numbers to the Estate complex as well as the wider recreation grounds. Furthermore, the commercial venture of this building is needed to support the long term financial sustainability of the Estate.

On balance, it is considered that the level of visitor numbers to the site would not erode the openness of the MOL. It is considered that that the proposed change of use would have no detrimental impact on the openness of the MOL or on the land included in the MOL.

The proposed change of use would also be supported by policy DM46 of the DMP which will support the refurbishment and re-use of existing premises for community facilities, subject to *inter alia* that they are located within the community that they intend to serve

and there would be no adverse impact upon residential amenity or highway safety.

It is acknowledged that the proposed use of the Great Barn for holding wedding ceremonies would not specifically be restricted to the local community or the wider Harrow community and would most likely attract communities beyond the borough boundaries. However, as stated above, in order to make the whole Headstone Manor sustainable in the long term future, a commercial element to the Estate is required to achieve this aim. As such, the fact that the proposed use would not be limited to the local community, it is considered that the overall commercial benefit of the proposal would sustain the alternative community uses on the wider Estate site.

#### Car Park Extension and Alterations to Existing Car Park

The alterations to the existing car park would include modifications to the existing landscaping around the northern section of the car park to provide a raised bund along the newly laid footpath to provide a screening between the car park and the Manor House. The proposal would also include reconfiguration of the existing car park to provide 10 disabled parking bays and motorcycle bays. The existing car park would be extended southwards in the area currently used as part of the Museums open yard, it would also extend eastwards where there is currently a shrub hedging and timber fencing separating this existing car park from the open space to the east. The existing hedge and timber fence would consequently be removed to facilitate the additional parking spaces and the access to the new overflow car park in the open space.

The works to the existing car park would not result in a significant loss of landscaped features that would harm the character and openness of the MOL as replacement soft landscaping would be incorporated.

With regards to the proposed new car park extension to the east, it is intended that this area is laid with reinforced grass and access to the car park would be managed and restricted by a gated access (discussed in detail below). It is considered that subject to a robust management of this area in terms of both access and frequency of use, the use of this open space for an overflow car park for peak time events would ensure that the grassed area is not eroded by overuse. The restriction placed by suitably worded conditions controlling both the future maintenance and access/ use of the extended car park to the east would ensure that openness of the MOL is preserved and any potential impact is minimised.

#### Conclusion

The master plan devised for the Headstone Manor estate seeks to establish a viable use for all the buildings on the site to ensure the future viability of the Listed buildings to enable the site to be publicly accessible heritage site and museum. It is considered that the proposed development would enable the visions set out in the adopted development plans to be realised and as such the proposals are considered to be acceptable.

#### **Character and Appearance of the Area/ Setting of Listed Buildings**

##### Policy Context

In assessing the acceptability of the proposals, the need to preserve the special significance of Headstone Manor, the Granary and the small barn and their setting must be balanced against public benefits, having particular regard to national and local planning policy and guidance.

Relevant policy and guidance includes the National Planning Policy Framework (NPPF) paragraph 131 which states 'In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Similarly, paragraph 132 applies, stating 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset'. Paragraphs 133 and 135 are also relevant.

Policy 7.4 (B) of The London Plan requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Policy 7.8 (C) of The London Plan states: 'Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate' and 'Development affecting heritage assets...should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'.

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.' Core Policy CS 1.D states: 'Proposals that would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged'.

Policy DM1 of the DMP and Policies AAP3 and AAP4 of the Harrow and Wealdstone Area Action Plan 2013 seeks to ensure that all development proposals achieve a high standard design and layout. Development within all three sub areas of Wealdstone as set out in the AAP will be required to *inter alia* strengthen the district centre and improve the environment and identity of the Wealdstone area as a location for business and industrial activity and for family living. Criterion E of policy AAP3 sets out the design parameters that should be taken into consideration when assessing development proposals within Wealdstone West sub area, which *inter alia* includes the plan's vision to improve the link between the west sub area of Wealdstone and the district centre, design which creates a sense of place that is related to and extension of Wealdstone and make provision for community uses that are not appropriate to locate in the district centre.

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

## **Appraisal of Proposed Development**

### **The Great Barn**

The external and internal alterations to this building have already been approved under

applications P/2967/13 (Listed Building Consent) and P/3369/13. The proposal change of use of the Great Barn, alongside with the changes on the Estate (already approved under P/3757/14) would enable the future on-going maintenance and up keep of the Manor House, which currently is not possible due to lack of funding and income generation from the Estate. It is considered that the proposed change of use of the Great Barn would have no detrimental impact upon the character and appearance of this building or have any undue impact upon the setting and significance of this heritage asset. Furthermore, English Heritage and the Council's Conservation Officer both support the internal and external works being proposed.

#### Landscaping and Car Park Extension

The proposal seeks to enhance the landscaping between the existing car park and the moat so that it provides a better screening and to reduce the visual impact of the car park on the Manor House and the moat and to enhance the setting of the scheduled monument.

The proposal seeks to incorporate a number changes to the existing soft and hard landscape areas across the site. Majority of the landscaping works have been approved under application P/3757/14, however the proposed works to the landscaping and car park extension are the same across both applications being considered. The main changes would include:

- A raise bund to the north of the existing car park (up to a maximum height of 2m) and creation of a shared landscaped access path
- Existing access into the park from the car park would be in form of shared surface area with a view to create a more pedestrian dominant access.
- supplemental planting along the car park frontage (adjacent to the main entrance into the grounds)
- Removal of the existing grassed area in front of the Great Barn will be removed to provide a farmyard style space.
- Provision of a hard surfaced area adjacent to the new welcome building to provide new outdoor seating area
- New pedestrian route linking the Welcome building with the Small Barn (south east elevations) entrance and provision of defined network planting bends with integrated seating and lighting bollards
- New pathway from the north west of the Small Barn leading to the access bridge over the moat.
- Restoration of the former rose covered timber archway at the entrance to the Manor island
- Resurfacing of the entrance leading to the Manor House and the area at front to provide a raised teaching and learning planting beds
- Provision of raised beds surrounded by a grid of formal paths to the south of the Manor House
- Proposed wildflower meadow to the east of the Manor House with mown paths

The proposed car park extension would be laid with a grass reinforcement mesh to strengthen the grass against the wear and tear of vehicular movements. This would ensure that when not in use the open green character of the space is maintained.

Whilst it is noted that the Council's Landscape Architect initially raised some concerns with respect to the proposed works associated with the existing car park area and the dominance of this area at the entrance point into the grounds, a further addendum to the

Landscape Strategy was produced to justify the proposed landscape works to the existing car park. The Landscape Architect is broadly satisfied with the landscaping proposals subject to conditions requiring full details of the landscaping, the materials/details for the overflow car park, landscaping scheme, boundary treatment, levels and hard landscape material details to be submitted to the LPA for its approval. Subject to the imposition of these relevant conditions, it is considered that the proposed Landscaping Strategy for the site would be consistent with the above policies and policy DM22 of the DMP.

With regards to the car park extension, subject to this being managed in a way which would ensure that this car park is only in operation during peak times and during large organised events, it is considered that the long term survival of a reinforced grass material in this area could be sustained. A condition would be needed to ensure that the access to this car park is gated and operated by the staff at Headstone Manor. The restriction to this area would ensure that the car park is not used unsociably and that in large, the area remains as an open green space for the purposes of its designation as an MOL.

### Conclusion

It is considered that subject to the imposition of appropriate conditions, the proposed change of use would not harm the significance of the listed building on this site. The overall landscaping strategy would enhance the setting of the listed buildings. The impact of the proposed car park extension would be mitigated through appropriate conditions to ensure that this area remains open as possible. On these bases, it is considered that the proposed works would give rise to no conflict with the above stated policies.

### **Site of Archaeological Importance and Scheduled Ancient Monument**

Policy 7.8E of The London Plan sets out that new development should make provision for the protections of archaeological resources, landscapes and significant memorials. This is further supported by policy DM7 (F) and (G). In regard to major development and change of use proposals affecting a secluded ancient monument will be required to provide and implement an action plan for the management of the monument.

This application is supported with an Archaeological Impact Assessment. As noted the site is designed as scheduled ancient monument which includes the moat and the island (except the Manor House itself), the outer court encircled by the steel fence with lockable gates, but excluding the Great Barn and Small Barn and The Granary, and a penumbra 25-35m wide around the outer court which takes in the remembrance gardens, the toilet block, open grassland as far as the playground and part of the field northwest of the Great Barn (List Entry 1005588).

Archaeological investigation of the site shows evidence of first human activity on the site dating from the 13<sup>th</sup> century. The designated site as a scheduled ancient monument reflects the high archaeological potential of the site. The continual occupation of the site spanning eight centuries, along with the evidential and historical value of the site categorises the whole site as exceptional in terms of its ranking.

The Manor House is the oldest domestic building dating back to 1310. Whilst this building has had numerous alterations, it still retains a considerable amount of its original fabric.

The Great Barn (formerly known as Tithe Barn) is one of the retained farm buildings on

the estate dating back to 1508. This building has also been restored over the past; however it still retains its original form and materials. The building has been in use as the Estate's museum since 1986 to 2013.

The Small Barn built c.1550 is the second of the surviving farm buildings. Large part of the barn was destroyed by a fire in the mid 1970's, which led to the loss of a lot of the original material. The building was restored and brought back in to use as part of the Museum in 1996.

The Granary was originally constructed in Pinner Park Farm c.1700. It was dismantled and reconstructed at Headstone Manor in 1991.

The use of the site for Harrow Museum gives Headstone Manor a particular importance to the local community due to its local history.

The Council now seeks a conservation plan that applies a holistic approach for the future management of the heritage asset ensuring that the same level of care is afforded to all of the building as placed on the Museum and local history collections.

A separate Scheduled Monument consent application will be required for the works proposed on the site. The accompanying report highlights that the following areas could give potential impact on archaeology:

- New landscaping to the island (approved under P/3757/14)
- New building foundations (approved under P/3757/14)
- Extended site drainage and flood mitigation
- New entrance to the Small Barn (approved under P/3757/14)
- Site wide landscaping

In general English Heritage have confirmed that in principle an application for scheduled ancient monument would most likely be supported.

The proposed change of use of the Great Barn would entail no disturbance to buried archaeology. The proposed car park extension would be located outside of the Schedule Ancient Monument designation and therefore unlikely to have any impact.

In all regards the Archaeological Impact Assessment, along with other supporting reports/assessments such as the Tree Report and Landscaping Strategy all note the importance of the site as a designated Scheduled Ancient Monument and set out that all ground works within this designation will be undertaken with great care and in most cases by hand.

On this basis, it is considered that the proposal would not give rise to any conflict with the above stated policy or harm the significance of this site.

### **Biodiversity**

The 2003 Habitat Survey by the GLA identifies five compartments of land within the part as a Site of Interest for Nature Conservation (SINC) Borough Grade 2. Since this, two further compartments of land have been identified as area of land of nature conservation value.

Compartment 1 – is the moat. This is enclosed by dense belt of scrubs and occasional



trees which include species such as English elm and bramble and frequent ash, elder, roses, hazel, hawthorn, wild cherry, plum, blackthorn, pedunculate oak, grey willow and yew. There is presence of non-active species.

Compartment 2 – the handle. This is the open woodland that surrounds one of the arms of Yeading Brook.

Compartment 3 – the wood. This is located on the western side of Pinner View before the approach into the main recreation ground.

Compartment 4 – Yeading Brook. This is outside of the subject site and runs along the southern boundary of the wider recreation ground.

Compartment 5 – Path side (east). This is characterised by an arm of Yeading Brook and located on the northern side of the recreation ground (access from Headstone Lane).

Compartment 6 – Path side (west). Located same as compartment 5.

Compartment 7 – Old parkland. This is located in the north west corner of the recreation ground.

The Council's Biodiversity report sets out the following important features of the site that are crucial to the management of the site:

- Ancient woodland - which is a rare habitat nationally, regionally and locally – continuous woodland since at least 1600 AD.
- Secondary woodland – containing an array of native and exotic trees and shrubs – local significance in Harrow.
- Old and Veteran trees
- Deed wood
- Ivy clad tree
- Standing and running water
- Birds
- Headstone Manor moated site.

A preliminary Ecological Assessment Report (PEA) has been produced following the recommendations made by the Council's Biodiversity Officer. The PEA presents the findings of an extended Phase 1 habitat survey of the proposed development and it sets out the baseline ecological condition within and around the site. The report identifies the potential presence of protected or notable species and the requirement for further protected species survey which should inform further recommendations for the likely ecological mitigation that will be required.

The PEA notes that there are no statutory designated nature conservation sites within 2km of the proposed site. As part the PEA internal and external building inspections were undertaken to assess the potential to support roosting bats and check signs of recent use or occupation. The survey also included checking signs of badger activity and presence of invasive plant species.

The PEA identifies that further surveys are recommended for Bats, otter, water vole, reptiles, great crested newt and other amphibians.

Mitigation measures recommended in the PEA include:

- A considered lighting strategy
- Retention and enhancement of the site with regard to bats and resting birds
- Control of invasive plant species on site
- Enhancements of the site with regard to reptiles and amphibians

The PEA initial results show that each of the buildings were identified as having potential to support roosting bats, nesting birds and other habitats.

The Council's Biodiversity Officer is satisfied given the timing of this application that further surveys recommended in the PEA can be conditioned along with the required mitigations to be put in place and ecological enhancements. A condition is recommended requiring a works method statement. In this regard the proposal would give rise to no conflict with policy 7.19 of The London Plan, policy AAP12 of the AAP and policies DM20 and DM21 of the DMP.

In addition to the above, the application is supported with an External Lighting Strategy which shows that all lighting would aim to have minimum lux levels to ensure that the site is fit for propose. The only areas that would be lit would be the existing car park, (street lamp style) the pathways leading to various building on the site via bollard lighting and the courtyard with ground level up-lighting. No flood lighting is proposed. In this regard there would be no conflict with the above stated polices.

### **Trees**

A tree survey report which includes an arboricultural impact assessment and method statement has been provided in support of this application. The survey identifies a number of predominant species across the site and adjoining land including oak, Lombardy poplar, willow, yew pear and ash.

A number of trees are proposed to be lost to facilitate the development which is shown on P.26 of the Tree Survey. These are primarily located within the existing car park area and in the area where the proposed new welcome building would be sited (already approved under application P/3757/14). In addition to this, there will be some pruning to some of the retained trees on the site.

The report highlights that there might be some excavation required within the Root Protection Areas (RPA) of some of the trees. However, any incursion into the RPA would be marginal and any digging would be done by hand and a no dig load bearing approach will be applied.

The proposed landscape scheme will include replanting of new trees as mitigation for the loss of the existing trees.

It is considered that subject to appropriate condition requiring a final method statement setting out the protection measure to be put in place for the retained trees, together with details for the storage of materials, site office, contractor parking and site traffic, would give rise to no conflict with policy 7.21 of The London Plan, policy AAP12 of the AAP and policy DM22 of the DMP.

### **Development and Flood Risk**

The subject site is located in Flood Zone 1 on the Environment Agency (EA) held maps,

but it is identified in Flood Zone 3b (functional floodplain) in the Council's Strategic Flood Risk Assessment (SFRA). The site is therefore at high risk of flooding from Yeading Brook west.

The submitted Flood Risk Assessment (FRA) has identified that:

- Risk of flooding from groundwater and pluvial flooding is low-moderate across the site.
- The risk of fluvial flooding is high.
- Flood risk from the moat is considered low as there has been no reports of it flooding
- Flooding from groundwater is considered to be low-moderate at the site
- No record of the site being flooded from sewers – there this is low risk.

The FRA acknowledges that the development will cause an increase in surface water run off due to the introduction of impermeable surface at the site and that surface water will need to be managed to meet the requirement of the NPPF and the development plan.

Mitigation options being considered include elevating finished floor levels, provision of compensating storage and potential to open the culverted reach of the Yeading Brook west watercourse, siting of the new welcome building 5m from the ordinary watercourse and compensatory storage for potential displacement of flood water. It may be possible to use pile or stilt foundation to allow flood water to pass beneath the new welcome building.

The FRA only provides an overview of what could be achieved and acknowledges that further site investigation is required and the mitigations suggested needs to be refined further to meet the site requirements.

Due the lack of a detailed FRA and flood compensation for the site, the EA had raised an initial objection. Further details showing the provision of a geocellular attenuation tank below ground within the area of the existing car park, provision of a pumping station, provision of oversized drainage pipes which is also to form part of the storage system (450mm diameter) and swale to the south of the proposed welcome building were recently submitted to address the objections raised by the EA.

The EA are now satisfied with the submitted additional information subject to a condition being imposed requiring a detailed surface water drainage scheme for the site. As such, the proposal would meet the policies aspirations set out in the NPPF, policies 5.12 and 5.13 of The London Plan, policy AAP 9 of the AAP and policies DM9, DM10, DM11 and DM12 of the DMP.

### **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 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 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.

Whilst noting the access to public transport links, it is likely that most visitors to the Headstone Manor Estate and the recreation grounds are most likely to arrive by car. The extension to the car park is required to facilitate the anticipated number of visitors to the site on occasions such as when there are public events or weddings conducted in the Great Barn. The proposed extension to the existing car park would ensure that on street parking on nearby residential roads is minimised. Currently the field behind the existing car park is being used as an over flow car park on an ad hoc basis. However, the ground is not suitable for use as an over flow car park on a more regular basis which is projected to be the case once the refurbishment of the estate has been completed.

Provision will be made for accessible parking bays and motorcycle bays within the reconfiguration of the existing car parking.

The Council's Highway Authority has raised no objection to the proposed extension. However, they have commented that the new car park area would be secluded which could raise security concerns and potentially the increase number of vehicles entering the site could require some protection of parking along Pinner View.

The Museum team has stated that the level of parking proposed is needed to support the business plan for the overall site in delivering a commercially viable use of the site. The car park extension will primarily be used at peak times when events are being held at the Great Barn and large scale events being held on the Manor Estate and wider recreation grounds, such as May Day.

The business plan sets out that the visitor numbers are likely to increase significantly during peak times and in order to prevent on-street parking on neighbouring roads a designated area within the recreation grounds is required. Other areas within the wider recreation grounds were also considered but were ruled out due to their suitability, impact on the grounds and distance from the principal buildings.

Having regard to the distance from public transport services in Wealdstone town centre and subject to conditions to ensure that the overflow car park is only operated during times of peak events being held on the recreation grounds and at the Great Barn (including the Manor Estate), it is considered that the level of parking proposed can be supported in this case. This is a balanced approach to ensure that there would be no rise to unacceptable parking along neighbouring residential streets and to also ensure that the business plan for the future of this site can be realised. As such, it is considered that the proposal would give rise to no conflict with the above 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.

There are no specific policies within the AAP which deal with safeguarding residential amenity but eludes that development proposals would be required to meet policy DM1 of the Development Management Policies Local Plan (2013), which 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”.

With regards to the proposed car park extension, the most effected residential development would be Nos. 1 to 6 Wooster Mews and the future residential development to the east of the proposed car on the former Kodak Zoom Leisure site. It is considered that there is some potential for the loss of outlook from the existing windows to Wooster Mews when the car park is in use. Similarly the outlook from the future development on the Kodak Site could be lost. However, it is considered that the incorporation of landscaped screening along the boundaries with these neighbouring sites could mitigate the outlook over the car park when it is in use. Furthermore, the proposal seeks to use the overflow parking during peak times only and therefore the impact out be lessened. The proposal does not seek to install any lighting to this area and therefore the proposal would have no impact in terms of light pollution.

In terms of the use intensity of the site, it is considered that the proposed use for the Great Barn is not likely to present an unacceptable level of activity that would have any undue impact upon nearby residential properties. The use of the site would be at its peak during spring/ summer months, with occasional use outside of this period. The use of the overflow car park whilst could lead to some intensification during peak times and could potentially give rise to some noise in terms of cars entering and leaving the site, it is considered that the level of use of this area would be balanced against the preference by residents to have a designated parking on site as oppose to on street parking..

It is considered that based on the above, the proposal would give rise to no conflict with the above stated policies.

### **Accessibility**

Policy 7.2 The London Plan and policy DM2 of the DMP 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.

Planning permission granted under P/3369/13 shows that the internal layout of the Great Barn would have provision for an accessible WC and that the access into this building would be level threshold. It is proposed to regrade the area outside of the rear exit (fire exit) to provide level access.

Given the site constraints and the heritage importance of the buildings on this site, it is considered that the proposed accessibility works would improve the accessibility to the site which currently does not exist. In this regard, the proposal would not give rise to any conflict with the above 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. Overall, The London Plan (2011) requires a 40% reduction in carbon dioxide emissions over Building Regulations 2010 Target Emissions Rate (TER), and to achieve Code for Sustainable Homes (CSH) Level 4 (for residential) and BREEAM Very Good (for the commercial uses). 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.

This application is supported with a Sustainability Statement and Energy Statement which sets out the options that were explored as part of delivering an energy efficient service installation to the buildings.

Given the listed status of the buildings, the level of service installation has to be limited to ensure that such installation is not visually obtrusive or impacts on the sensitive historic fabric. After reviewing the possible alternative heat sources, it is considered that the most viable option would be the installation of a biomass boiler (Permission for the boiler is subject to a separate application P/4152/14). However the installation is not straight forward as it would require a remote boiler house and connection to each building would be through a pair of pre-insulated heating mains district heating system which would be laid underground. The full impact of this proposal would be considered under P/4152/14. For the proposes of this application it is considered given the sensitivity of this site, that the provision of an off-site heating source using renewable energy would be the most appropriate for this site and would comply with the aspirations of the above policies.

### **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... This application is supported with a Statement of Community Involvement (SCI).

The SCI was broadly undertaken over the past 8 months, which included information of the proposed works being displayed on the site (in the Granary), details of the proposals displayed on the Council's website, regular newsletters, local on-street surveys, focus groups sessions, 1 to 1 stakeholder consultation, workshop consultations and questionnaires handed out on May Day celebrations.

It is considered that the SCI is consistent with the above policies.

### **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.

Appropriate measures would be in place to ensure that the access to the main areas including the overflow car park are gated and controlled by the Museum staff to ensure the safety and security of the site. The principal buildings on the Estate have CCTV in place. The proposal is considered not to give rise to any conflict with regards to 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.

## **Environmental impact Assessment**

The development falls within 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 site area for the subject site is 2.89 hectares and therefore does require a screening opinion to assess whether there would be any impact upon the environment. Having done a screening opinion for this site, it has been concluded that the proposed development would not amount to any significant environmental impact that would warrant a full Environment Statement. Appropriate conditions would be imposed to safeguard against any detrimental impact upon the specific character of the site.

## **Consultation Responses**

Dealt with above.

## **CONCLUSION**

The proposed development would allow the transfer of the existing Museum use to the Manor House and Small Barn, which has been approved under a separate application P/3757/1 and to allow the Great Barn to be converted into a commercial use to financially support the Headstone Manor Complex. The proposal would deliver a community and commercially viable use to sustain the future of the Estate. The proposed change of use and the extension to the existing car park would ensure that there would be no detrimental impact upon the openness and character of the Metropolitan Open Land and would preserve the setting of the listed buildings located on this estate. Subject to appropriate mitigations and enhancements the proposal would have no impact upon the ecological value of the site. The proposal would have no impact upon the residential amenities of the any neighbours.

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 until samples of the materials (or detailed specification) 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. boundary fencing

b. ground surfacing for existing car park including the proposed reinforced grass for the car park extension

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

REASON: To safeguard the appearance of the locality and setting of the listed building on the Headstone Manor Estate in accordance with policies 7.4 and 7.8 of The London Plan (2011 as altered in 2013 and 2014), Core Policy CS.1 of the Harrow Core Strategy 2012, policies AAP3 and AAP4 of the Harrow and Wealdstone Area Action Plan 2013 and policies DM1 and DM7 of the Development Management Policies Local Plan (2013).

3 Notwithstanding the details specified in the Preliminary Ecological Assessment Report Dated 2014, no works relating to the development hereby approved shall commence until there has been submitted to and approved in writing by the Local Planning Authority an updated Ecological Assessment Report providing the following:

a) appropriate timings of the works (including the proposed surveys)

b) monitoring of works on site throughout the construction phase

REASON: The submitted Preliminary Ecological Assessment Report does not include the required information. An updated Ecological Assessment Report is required to ensure that the appropriate surveys are carried out on the appropriate times and how the works will be monitored throughout the course of the construction phase in accordance with policy 7.19 of The London Plan (2011, as altered in 2013 and 2014), policy AAP12 of the Harrow and Wealdstone Area Action Plan (2013) and policies DM20 and DM21 of the Development Management Policies Local Plan (2013).

4 The recommended surveys and mitigations set out under Chapter 5 of the Preliminary Ecological Assessment Report Dated 2014 shall be carried out prior to commencement of any development approved under this permission and in accordance with the details specified in the Preliminary Ecological Assessment Report. The results of the surveys undertaken shall be submitted to the Local Planning Authority for approval in writing.

REASON: The submitted Preliminary Ecological Assessment Report does not include the required surveys. Detailed surveys including results are required to ascertain what mitigation and enhancement would be required for the site to ensure that the development would meet the requirements of policy 7.19 of The London Plan (2011, as altered in 2013 and 2014), policy AAP12 of the Harrow and Wealdstone Area Action Plan (2013) and policies DM20 and DM21 of the Development Management Policies Local Plan (2013).



5 Notwithstanding the mitigation measures listed in Preliminary Ecological Assessment Report Dated 2014, following the submission and approval of the surveys required as part of Condition 4, a full works method statement including on site mitigations to be put in place and guidance for the ecological enhancement proposed for the site is submitted prior to commencement of any development. The works method statement shall be implemented as approved and the mitigation and ecological enhancements shall be incorporated prior to any building being brought into use.

REASON: To ensure that appropriate mitigation and enhancements are delivered on site for the protection of the protected species and habitats on the site and to deliver ecological/ biodiversity enhancements on the site to meet the requirements of policy 7.19 of The London Plan (2011, as altered in 2013 and 2014), policy AAP12 of the Harrow and Wealdstone Area Action Plan (2013) and policies DM20 and DM21 of the Development Management Policies Local Plan (2013).

6 The development hereby approved shall not commence until there has been submitted to the Local Planning Authority and approved in writing, a copy of the English Heritage's decision in relation to the application for works to a Scheduled Ancient Monument.

REASON: To ensure that appropriate consent has been obtained prior to commencement of works so that there is no conflict with policy 7.8 of The London Plan (2011, as altered in 2013 and 2014), and policy DM7 of the Development Management Policies Local Plan (2013).

7 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) A scheme of hard and soft landscape works for existing and proposed car park. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

b) Details (including elevations) of all boundary treatment and gates

REASON: To ensure that appropriate planting is used 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 , policy AAP4 of the Harrow and Wealdstone Area Action Plan 2013 and policy DM1 of the Development Management Policies Local Plan (2013).

8 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, policy AAP4 of the Harrow and Wealdstone Area Action Plan 2013 and policy DM7 of the Development Management Policies Local Plan (2013).

9 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, footpaths 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 policies AAP3, AAP9 and AAP19 of the Harrow and Wealdstone Area Action Plan 2013, and policy DM1, of the Development Management Policies Local Plan (2013).

10 Notwithstanding the detailed specified in the Tree Report date September 2014, no works relating to the development hereby approved shall commencement until a final method statement is submitted to and approved in writing by the Local Planning Authority. The final method statement shall include the protection measures to be put in place for the retained trees on the site, together with the details of those trees to be pruned. The method statement shall include details for the storage of materials, contractor site office (if applicable), contractor parking and site traffic. The method statement shall be implemented in accordance with the approved details.

REASON: To ensure appropriate tree mitigation fencing and protection plan is put in place to protect the tree on the site which are considered to of high amenity value, in accordance with policy 7.21 of The London Plan (2011, as altered in 2013 and 2014) and policy DM22 of the Development Management Policies Local Plan (2013).

11 The development hereby permitted shall not commence until there have been submitted to, and approved in writing by, the local planning authority, detailed drawings of all underground works, including those to be carried out by statutory undertakers, in connection with the provision of services to, and within, the site in relation to the trees to be retained on site.

REASON: To ensure that the trees to be retained on the site are not adversely affected by any underground works, in accordance with policy 7.21 of The London Plan (2011, as altered in 2013 and 2014) and policy DM22 of the Development Management Policies Local Plan (2013).

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

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, in accordance with policy 7.21 of The London Plan (2011, as altered in 2013 and 2014) and policy DM22 of the Development Management Policies Local Plan (2013).

13 Notwithstanding the details shown on the approved drawings, the development hereby approved shall not commence until there has been submitted to, and approved in writing by the Local Planning Authority, a suitable safety barrier to a maximum height of 1100mm around the edge of the moat. The details shall include full elevation, layout and material specification. The development shall be carried out in accordance with the details approved and therefore retained in that form.

REASON: To ensure that the safety of visitors to the site, in accordance with policy AAP4 of the Harrow and Wealdstone Area Action Plan (2013) and policy DM2 of the Development Management Policies Local Plan (2013).

14 The development hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority, a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) Headstone Manor Regeneration Project, reference 47069086, dated August 2014, the subsequent email from URS dated 27<sup>th</sup> November 2014 and along with the updated drawings numbered HSMR\_URS\_XX\_XX\_DR\_LA\_00009 and 6852-101 revision P1. The drainage strategy shall include a restriction in run-off and surface water storage on site to Greenfield rates of 14.5l/s as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with the policies contained in the National Planning Policy Framework (2012), policies 5.12 and 5.13 of The London Plan (2011 as altered in 2013 and 2014), policy AAP 9 of the Harrow and Wealdstone Area Action Plan (2013) and policies DM9, DM10, DM11 and DM12 of the Development Management Policies Local Plan (2013).

15 Notwithstanding the details shown on the approved drawings, the proposed car park extension to the east side of the existing car park shall not be brought into use until a secure lockable gate is installed to the entrance point of this car park extension, details of which should be submitted as required by Condition 7 attached above. The car park extension shall only be operated in conjunction with peak time events including but not limited to weddings/ conferences being held on the Headstone Manor site and the wider Recreation Grounds. At all other times access to the car park should be closed off from the main car park. Any wear and tear to the proposed ground treatment for the extended car park shall be repaired and replaced as necessary.

REASON: To ensure that the car park extension is not overused and afford protection of the openness of the Open Metropolitan Land, and to ensure that the proposed use does not give rise to unacceptable disturbance to adjoining residential amenity or rise in accordance with policies 7.4, 7.8 and 7.17 of The London Plan (2011 as altered in 2013 and 2014), Core Policy CS.1 of the Harrow Core Strategy 2012, policies AAP3 and AAP4 of the Harrow and Wealdstone Area Action Plan 2013 and policies DM1, DM16 and DM17 of the Development Management Policies Local Plan (2013).

16 The buildings shall only be used for the purposes set out in the application (weddings and conferencing facilities (assembly & leisure)) and for no other purpose, including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).

REASON: To safeguard the amenity of neighbouring residents and to ensure such uses would be appropriate within the recreation ground environment in accordance with policies 7.6B and 7.15.B of The London Plan (2011 as altered in 2013 and 2014), policy AAP4 of the Harrow and Wealdstone Area Action plan (2013) and policy DM1 of the Development Management Policies Local Plan (2013).

17 The use hereby permitted shall only be operated within the following hours:

1000 and 2359hrs on Mondays to Sundays and Bank Holidays

REASON: To safeguard the nearby residential amenity from undue levels of noise and disturbance, thereby according with policies 7.6B and 7.15.B of The London Plan (2011 as altered in 2013 and 2014), policy AAP4 of the Harrow and Wealdstone Area Action plan (2013) and policy DM1 of the Development Management Policies Local Plan (2013).

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

Design and Access Statement 10 July 2014; Planning Statement 24 July 2014; Heritage Impact Statement 24 July 2014; Heritage Statement: Assessment of Significance & Statement of Significance 10 July 2014; Biodiversity Report- by Harrow Council; Archaeological Impact Statement 11 August 2014; Energy Statement 24 July 2014; External Lighting Revision\* 08 August 2014; Landscape Statement; Sustainability Statement 24 July 2014; Headstone Manor External Lighting Policy; Statement of Community Involvement 24 July; (01)0001 REV A; (01)003 REV B; (04)001 REV C; HSMR\_URS\_XX\_XX\_DR\_LA\_00002 REV H; 6852-101 REV P1; HSMR\_URS\_XX\_XX\_DR\_LA\_00009 (Dated 01.12.14); Preliminary Ecological Assessment Report October 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 5.1,5.2, 5.3, 5.7, 5.9, 5.10, 5.11, 5.12, 5.13, 6.3, 6.9, 6.13, 7.1, 7.2, 7.3, 7.4, 7.6, 7.8, 7.13, 7.17, 7.19, 7.21

The Harrow Core Strategy (2012)

Core Policies CS1

Harrow and Wealdstone Area Action Plan (2013)

AAP3, AAP4, AAP9, AAP12, AAP19

Development Management Policies Local Plan (2013)

Policies DM1, DM2, DM7, DM9, DM10, DM11, DM12, DM16, DM17, DM20, DM21, DM22, DM42, DM46, DM47.

Supplementary Planning Document – Access for All (2006)

Supplementary Planning Document on Sustainable Building Design (adopted May 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 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 with pre-application advice

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

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

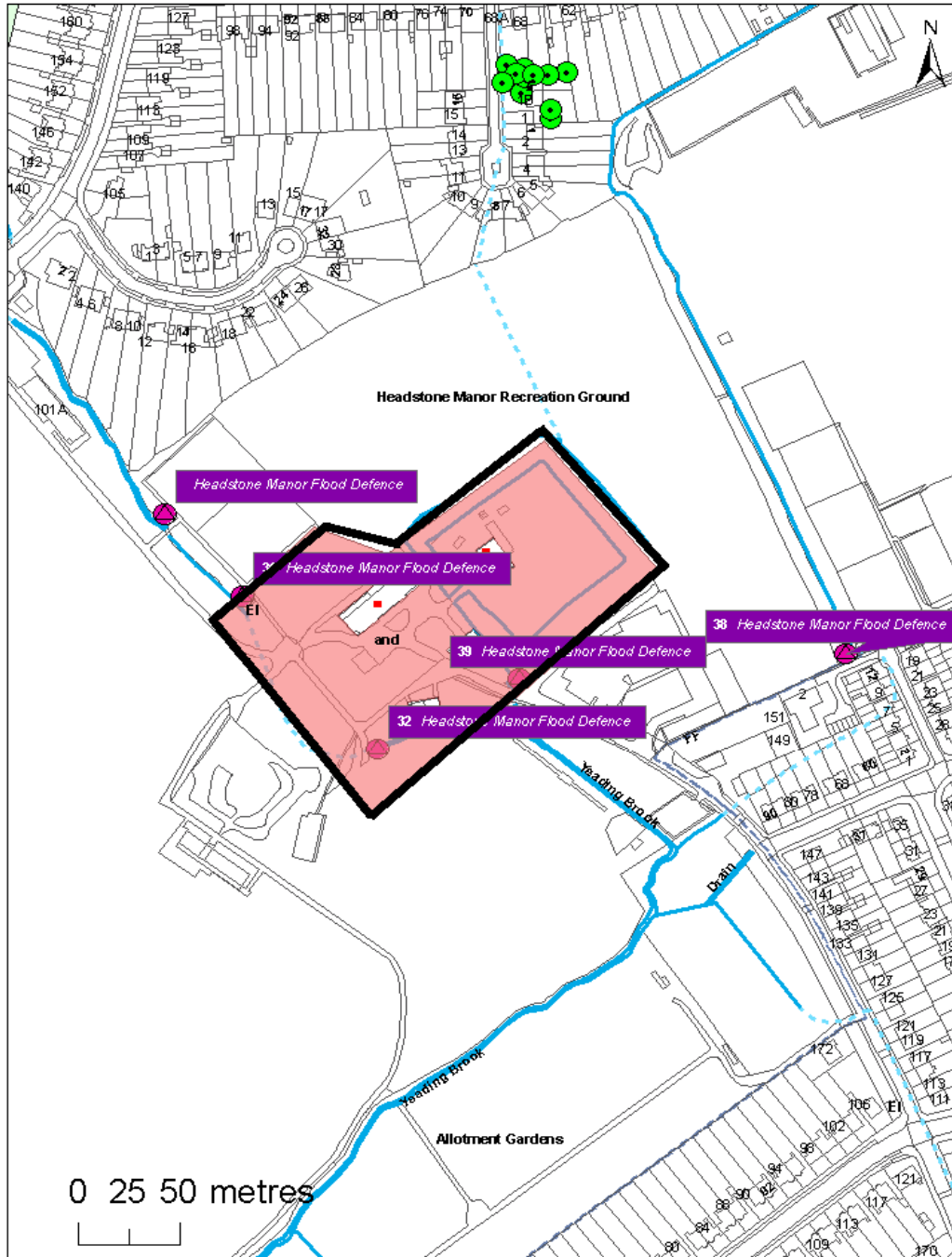
#### 6 INFORMATIVE:

In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:

- a) A clearly labelled drainage layout plan showing pipe networks and any attenuation areas or storage locations. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- b) Confirmation of the critical storm duration.
- c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- d) Where on site attenuation is achieved through ponds, swales, geocellular storage or other similar methods, calculations showing the volume of these are also required.
- e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the 'Planning Practice Guidance: Flood Risk and Coastal Change'. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

Plan Nos: Design and Access Statement 10 July 2014; Planning Statement 24 July 2014; Heritage Impact Statement 24 July 2014; Heritage Statement: Assessment of Significance & Statement of Significance 10 July 2014; Biodiversity Report- by Harrow Council; Archaeological Impact Statement 11 August 2014; Energy Statement 24 July 2014; External Lighting Revision\* 08 August 2014; Landscape Statement; Sustainability Statement 24 July 2014; Headstone Manor External Lighting Policy; Statement of Community Involvement 24 July; (01)0001 REV A; (01)003 REV B; (04)001 REV C; HSMR\_URS\_XX\_XX\_DR\_LA\_00002 REV H; 6852-101 REV P1; HSMR\_URS\_XX\_XX\_DR\_LA\_00009 (Dated 01.12.14); Preliminary Ecological Assessment Report October 2014

# HEADSTONE MANOR RECREATION GROUND, PINNER VIEW, HARROW



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## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No. 2/01  
Address: 148 PINNER ROAD, HARROW  
Reference: P/3555/14  
Description: CHANGE OF USE FROM RETAIL (USE CLASS A1) TO MASSAGE AND SPA CENTRE (SUI GENERIS) SINGLE STOREY REAR EXTENSION INCORPORATING ENCLOSURE OF EXTERNAL STAIRCASE TO DWELLING ABOVE; EXTERNAL ALTERATIONS  
Ward: HEADSTONE SOUTH  
Applicant: MR P KOTHARI  
Agent: BALNEAVES CHADWICK ASSOCIATES LTD.  
Case Officer: CATRIONA COOKE  
Expiry Date: 08/12/2014

### RECOMMENDATION

**GRANT** planning permission subject to conditions:

### REASON

The Massage and Spa Centre would not cause the loss of a necessary retail unit, or have any undue adverse impact upon highway safety, the existing amenity of occupiers of any neighbouring land or community safety in the locality. The proposal, subject to conditions, is therefore considered to satisfy the objective of policies contained in the Harrow Core Strategy (2012), The London Plan (2011) and the National Planning Policy Framework (2012) and Harrow Development Management Policies Local Plan (2013).

### INFORMATION

The application is reported to the Planning Committee because of significant public interest and therefore it is considered that the proposals would be potentially controversial or otherwise be of significant public interest which would not fall within Part 1(E) of the Scheme of Delegation.

**Statutory Return Type:** E18 – Minor development

**Council Interest:** None

**Gross Floorspace:** 0 sqm

**Net additional Floorspace:** 0 sqm

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

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

### Site Description

- The application site comprises a ground floor retail unit of a three storey property on the northern side of Pinner Road. Residential use on the upper floors



### **Proposal Details**

- The application proposes change of use of the ground floor retail unit (use Class A1) to a massage and spa centre (sui generis), with ancillary nail bar
- Single storey rear extension to enclose stairs to the rear serving the upstairs residential unit. The extension, 14 sq.m, would also allow a small sauna to be accommodated at the rear of the premises.

### **Revisions to Previous Application**

- N/A

### **Relevant History**

- N/A

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

- N/A

### **Applicant Submission Documents**

- Design and Access Statement

### **Consultations**

Headstone Residents Association

### **Advertisement**

- N/A

### **Notifications**

Sent: 20

Replies: 11

Expiry: 09/12/2014

### **Addresses Consulted**

144a, 146, 146A, 152, 152A, 163, 163A, 165, 165A, 167, 167A Pinner Road  
1, 2, 3, 4 Oxford Road

### **Summary of Responses**

- Ugly design out of character with the area
- Impact on Parking on surrounding streets
- Disruption to local area
- Not the right place for this kind of activity
- Would bring unwelcome visitors to the area
- Concern for childrens safety
- Business of this nature is more often than no association with disreputable activities

### **MAIN CONSIDERATIONS**

Principle of the Development

Character and appearance of the area

Residential Amenity

Traffic, Parking and Accessibility

Equalities Statement

S17 Crime & Disorder Act

Consultation Responses

## **Principle of Development**

The application site lies in a neighbourhood parade as set out in the Harrow Local Plan; Policies Map. Policy DM 38 of the Harrow Development Management Policies Local Plan (2013) states:

“Other Town Centre Frontages and Neighbourhood Parades

A) Within neighbourhood parades and the non –designated parades of town centres, as defined on the Harrow Policies Map, the use of ground floor premises for purposes that are appropriate town centre, community and economic uses will be permitted provided that:

- a. in the case of non A class uses, a window display or other frontage appropriate to the centre would be provided; and
- b. the use would not be detrimental to the amenity of neighbouring occupiers”

The proposed use would not generate any unreasonable noise or activity over and above what would be expected from a retail unit. It is considered that given the close proximity to Harrow Town Centre there would be no objection to the loss of retail, notwithstanding that within neighbourhood parades A1 (retail), is not protected. There are other examples of such uses within the borough which are considered to have added to the vitality of local town centres.

Subject to a condition ensuring an appropriate window display It is considered that the proposed change of use would be in accordance with the objectives set out under Policy DM38 of the Harrow Development Management Policies Local Plan (2013)

## **Character and appearance of the area**

The London Plan policy 7.4B states that buildings should provide a high quality design response that has regard to existing spaces and streets in orientation, scale, proportion and mass. The London Plan Policy 7.6B states that architecture should make a positive contribution to the streetscape. Core policy CS1 states that all development shall respond positively to the local context.

Development Management Policy DM 1 (2013) states “All development and change of use 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 application as originally submitted proposed changes to the shopfront, but these changes have now been omitted from the scheme.

The enclosure of the rear stairs to the first floor flat would result in and additional 4m brick wall to the same height of the existing boundary as viewed from the public domain and a new entrance door. It is proposed that the brickwork would match the existing. A condition is therefore recommended to ensure this. It is considered that this modest addition would be in keeping with the proportionate to the host property and in keeping with the area.

## **Residential Amenity**

Policy DM1 of the Harrow Development Management Policies Local Plan (2013) states “All development and change of use proposals must achieve a high standard of privacy and amenity. 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 development, will be resisted.” Policy DM8 further states that appropriate town centre uses will be permitted provided that “The use would not be detrimental to the amenity of neighbouring occupiers.

It is noted that objections have been received relating to the change of use and possible related anti social behaviour. A condition is recommended limiting the use to a massage and spa centre, and a further condition to ensure that the premises are laid out in accordance with the approved plans is also recommended. As a sui generis use, any use other than that applied for would require planning permission. Furthermore, the applicant has agreed to the proposed opening hours being 09:00 to 18:00 hours Monday to Saturday and 11:00 to 17:00 on Sundays. Given the proposed opening hours it is considered that in terms of noise, general activity and disturbance created by the existing use as retail and the proposed use, that neighbouring properties will experience a negligible difference in these uses.

In conclusion, it is considered that the proposal, subject to these conditions, would not have a significant detrimental impact upon the residential amenities of the neighbouring occupiers and would be in accordance with the objectives set out under policy 7.6 of the London Plan and Policies DM1 and DM8 of the Harrow Development Management Policies Local Plan (2013).

## **Traffic, Parking and Accessibility**

### Parking

The proposal is for an A1 – Massage and spa centre (sui generis). 2 parking spaces are located at the rear and are accessed from Oxford Road.

There is no specific parking standard in existence for this use, hence in that context for the moderate provision of 2 spaces currently in place and modest scale of proposed use, this quantum of provision is not considered excessive and will inherently act as a restraint mechanism limiting use activity hence traffic generation.

This is further supplemented by the context of the surrounding public realm which provides limited available/alternative parking provisions for the use therefore it is considered that in operational terms this on-site parking quantum is acceptable as it is not expected to generate measurable traffic during peak flow periods.

### Accessibility

Policy 7.2.C of the London Plan 2011 requires all future development to meet the highest standards of accessibility and inclusion.

Policy DM2 of the Harrow of the Development Management Policies Local Plan (2013) requires that non-residential development and change of use proposals must be accessible to all.

With regards to inclusive accessibility, there is level access leading to the front of the ground floor, and the existing front entrance door complies with standards specified in the Council’s adopted SPD: Access for All 2006. The applicant has also proposed the provision of disabled toilet facilities on the ground floor, which satisfactorily demonstrates how inclusive the ground floor would be.

Given the above, the development would accord with policies 6.13 and 7.2C of The London Plan 2011, Policies DM2 and DM42 of the Harrow Development Management Policies Local Plan (2013) and the Council's adopted SPD: Access for All 2006.

## **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. The proposed change of use would have no impact with regard to section 149 of the Equalities Act 2010.

### **S17 Crime and Disorder Act**

The design and Access statement states that the building will be secured to current security standards and all doors and windows will be installed in accordance with PAS24 - 2012. It is therefore considered that the proposed development would not adversely impact upon community safety issues.

### **Consultation Response**

- Ugly design out of character with the area – See section 1 above
- Impact on Parking on surrounding streets – See section 3 above
- Disruption to local area – see section 2 above
- Not the right place for this kind of activity – see section 2 above
- Would bring unwelcome visitors to the area – see section 2 above
- Concern for children's safety – see section 2 above
- Business of this nature is more often than no association with disreputable activities – see section 2 above

## **CONCLUSION**

The Massage and Spa Centre would not cause the loss of a necessary retail unit, or have any undue adverse impact upon highway safety, the existing amenity of occupiers of any neighbouring land or community safety in the locality. The proposal, subject to conditions, is therefore considered to satisfy the objective of policies contained in the Harrow Core Strategy (2012), The London Plan (2011) and the National Planning Policy Framework (2012) and Harrow Development Management Policies Local Plan (2013).

## **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.

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

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

REASON: To safeguard the character and appearance of the area with accordance with Core Policy CS1.B of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

3 The use hereby permitted shall only be open to customers between the following times:

a) 0900 hours to 1800 hours, Monday to Saturday inclusive, and

b) 1100 hours to 1700 hours on Sundays and Bank Holidays

REASON: To safeguard the amenities of neighbouring residential properties, in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

4 The premises shall be used for the purposes specified on the application as Massage and Spa Centre (sui generis) only and for no other purposes. REASON: To safeguard the amenity of neighbouring residents and the character of the locality and in the interests of highway safety in accordance with Policies Dm1 and DM12 of the Harrow Development Management Policies Local Plan (2013).

5 The development hereby permitted shall not be occupied until details of the window display, including lighting thereof, have been submitted to, and approved by, the local planning authority, and thereafter such a display shall be installed, and retained in that form.

REASON: To ensure an appropriate shop frontage is maintained, thereby according with policy DM38 of the Harrow Development Management Policies Local Plan (2013).

6 The development hereby permitted shall be carried out in accordance with the following approved plans: 0252/02/01D; 0252/02/2C

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

## **INFORMATIVES**

The following policies are relevant to this decision:-

- National Planning Policy Framework (2012)
- The London Plan (2011) policies 6.3, 6.13, 7.2, 7.3, 7.4, 7.6 and 7.15
- Harrow Core Strategy (2012) Core Policy CS1.B
- Harrow Development Management Policies Local Plan (2013): DM1, DM2, DM4, DM38, DM42, DM43

## **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 GRANT WITHOUT PRE-APPLICATION

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.

### 5 COMPLIANCE WITH PLANNING CONDITIONS

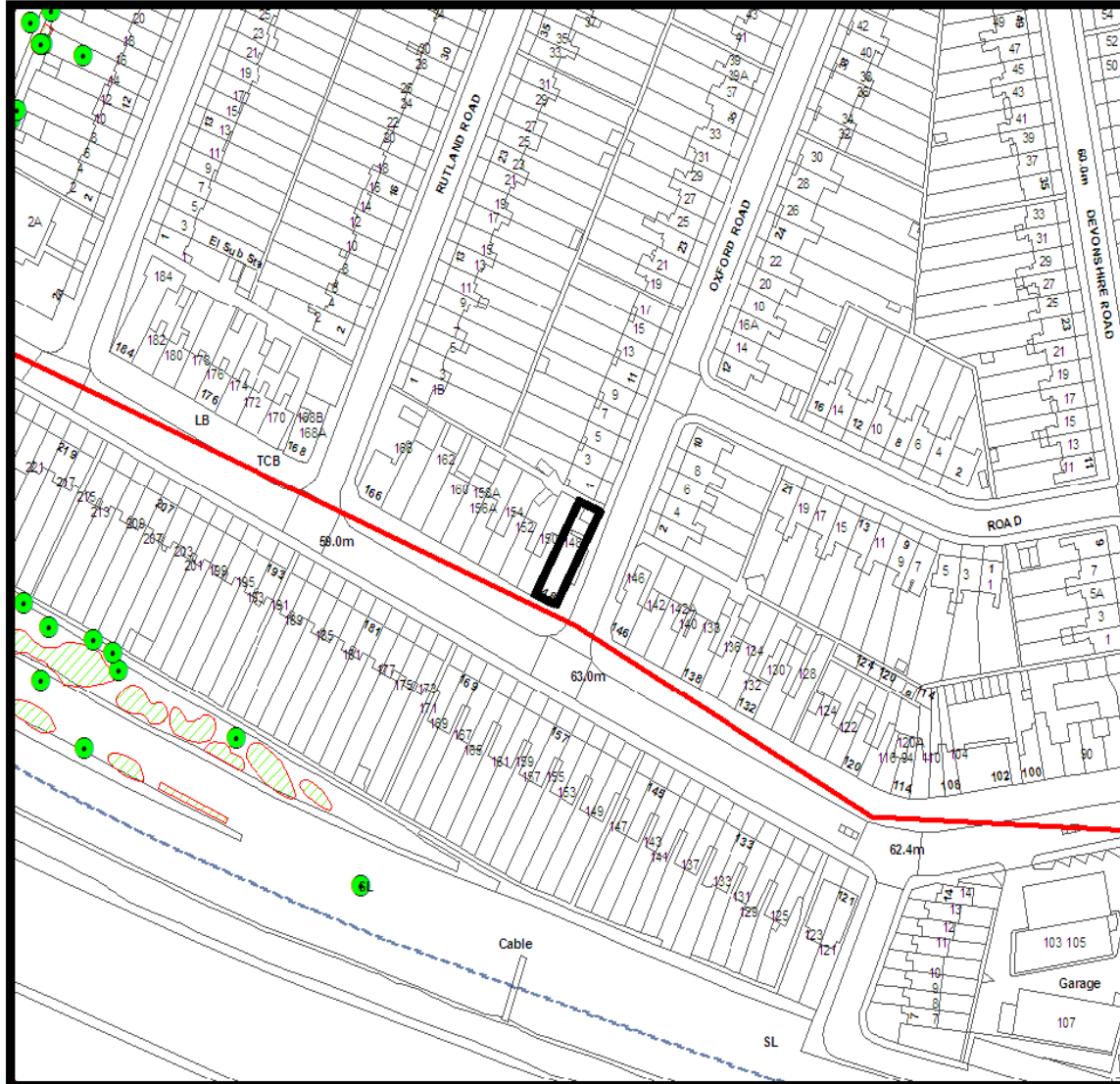
**IMPORTANT:** Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- 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.

6 Please note that this application does not include consent for the fascia sign. The applicant is advised that separate advertisement consent would be required for any fascia sign.

Plan Nos: 0252/02/01D; 0252/02/2C

148 PINNER ROAD, HARROW



Item No: 2/02  
Address: 5 PAINES CLOSE, PINNER  
Reference: P/4336/14  
Description: REPLACEMENT TWO STOREY DWELLINGHOUSE WITH BASEMENT, INTEGRAL GARAGE, PARKING AND LANDSCAPING (DEMOLITION OF DWELLINGHOUSE)  
Ward: PINNER  
Applicant: MR & MRS P REED  
Agent: ADRIENNE HILL LIMITED  
Case Officer: MONGEZI NDLELA  
Expiry Date: 02/01/2014

## **RECOMMENDATION**

**GRANT** planning permission subject to conditions:

### **REASON**

The principle of providing a replacement house on the site is considered to be acceptable. The replacement dwellinghouse would provide for enhanced living conditions for the occupiers of the property, providing a modern, safe, accessible and sustainable building on the site. The development would satisfactorily relate to the character and appearance of the area and would not adversely impact on the amenities of the surrounding occupiers.

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 due to the significant level of public interest in the application. The application therefore falls outside of category E of the Scheme of Delegation dated 29<sup>th</sup> May 2013.

**Statutory Return Type:** 13 Minor dwellings

**Council Interest:** None

**Net additional Floorspace:** 258m<sup>2</sup>.

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** £9030.00 (based on net additional floor area of 258m<sup>2</sup> x £35).

**Harrow CIL:** £28,380.00 (based on net additional floor area of 258m<sup>2</sup> x £110).



## Site Description

- The site comprises of a detached single storey dwelling located on the east side of Paines Close.
- The property is double fronted with accommodation in the roofspace.
- The property is bound to the north by no. 4 Paines Close which is a large two storey detached dwelling. The property is bound to the south by no.6 Paines Close which is a chalet style bungalow.
- There is an open area with a distinctly large tree at the front of the site whilst to the rear the property backs onto rear gardens of properties on Eastglade.
- Paines Close is characterised by large detached properties many of which have generous frontages. In addition, many properties have exposed red brick at the front elevation and side or side-attached garages.
- The gradient at the site slopes downwards, quite significantly, from north to south.
- The property is not in a Conservation Area, nor is it a Listed Building. It is however located in a Critical Drainage Area.
- The site is located within the Medieval Pinner Archaeological Priority Area.

## Proposal Details

- The proposals are to demolish the existing house and garage and replace it with larger bungalow with accommodation in the roofspace.
- The resultant building will have an overall width of 13.3m. The property will have a depth of approximately 13.1 at its north elevation and a depth of 16.0 m at its south elevation.
- The property will have a maximum height of approximately 7.3m.
- The property effectively takes the design of a bungalow with an extended roof area to allow accommodation. As such, there is a projecting gable end roof at both the front and rear elevations as well as smaller pitched dormers.
- The dwelling will have three bedrooms, one at ground floor level and an expansive rear lounge/kitchen/diner and a conservatory at the rear.
- The proposals include an integral garage at ground floor level whilst the vast majority of the ground floor rear elevation will comprise of glazed bi-fold doors.
- The new dwelling will have an approximately 402.6m of floorspace including the basement.
- A vehicle access point would remain as existing, on the northern side of the driveway and will provide a forecourt to accommodate two vehicles.
- The proposal would involve the resurfacing of the existing front driveway which will be finished with Marshalls Piora Pennant Grey permeable pavers.
- In addition, soft landscaping is proposed at the sites frontage as well as at the flank elevations.

## Revisions to Previous Application

- N/A

## Relevant History

- HAR/8666/H - Erect detached bungalow and garage.  
Grant - 16/03/1956
- LBH/12923 – Erection of Side and Rear Extension To Provide Rooms in Loft Space  
Grant – 26/10/1977
- LBH/27886 - Side dormer assistant  
Grant - 01/07/1985

## **Pre-Application Discussion (Ref: P/2063/14/PREAPP)**

### **Summary**

The proposed development is a significant improvement on the proposals submitted as part of the previous Pre-App consultation (P/3436/13/PREAPP). Whilst the proposals are largely acceptable, there are several issues relating to design that require some modifications to bring the overall appearance of the dwelling closer to the prevailing character of the Paines Close area. These include toning down the busy appearance of the competing roofs at the front elevation, removing the integral garage and using a simple palette of materials that is characteristic to the surrounding area. As such, as the proposals currently stand, the application does not comply with current policy in terms of character and appearance. Under the current site circumstances, the current proposal would not be supported by the Council.

Accordingly, a full assessment of the scheme including all other material considerations arising from formal consultation and neighbour notifications, in addition to any site circumstances, would need to be taken into account in determining the planning application.

### **Applicant Submission Documents**

#### **Supporting Statement**

*The application has undergone two rounds of pre-application discussions (P/3436/13/PREAPP – January 2014 & P/2063/14/PREAPP – July 2014) of which the current proposals are an amalgamation of those discussions. Based on the Pre-app discussions, the current application has incorporated the following amendments:*

- *Mock Tudor boarding removed;*
- *Side dormer windows removed;*
- *Materials simplified to painted render above soft stock brick plinth, and handmade plain roof tiles;*
- *Windows proposed in more recessive colour;*
- *Decorative timber detailing removed;*
- *Front projecting gable lowered to single storey to reflect more of a chalet style character;*
- *No first floor windows at side elevations;*
- *First floor accommodation facilitated by dormer windows to reflect more of a chalet style character;*
- *Elevational style simplified overall;*
- *Overall height slightly reduced.*

*Furthermore, the application has taken on suggestions from the Pre-app to further improve the design, namely:*

- *Alter design of porch roof;*
- *Remove inner pitched gable roof on projecting gable bay;*
- *Add to brick to elevations;*
- *Introduce softer landscaping to the front garden.*

*The Pre-app discussions suggested that integral garages are not typical in the Close however there is an integral garage at no.9 Paines Close and there is an established history of integral garages in the Close.*

*The proposed replacement dwelling takes on the character that is compatible with the surrounding varied architectural style.*

*The new dwelling is set 1m away from the flank boundaries and has been designed to ensure it does not breach the 45 degree relationship with neighbouring dwellings.  
The use of materials and details such as casement windows soft stock facing bricks, render, gable roofs, clay plain roof tiles and low-levels roofs.  
The proposed replacement house includes several sustainability enhancements as well as water conservation measures.*

## **Consultations**

### English Heritage

No objection

### Drainage Engineer

Details for the disposal of sewage, disposal of surface water and surface water attenuation/storage works are required for submission and approval, before the commencement of any permitted development.

### Landscape Officer

No objection however details of hard and soft landscaping (including levels, boundary treatments and landscaping scheme) would need to be submitted and approved by the Local Authority prior to the commencement of works.

### Highways Authority

No objection subject to a safeguarding condition.

## **Advertisement**

None

## **Notifications**

Sent: 4

Replies: 5

Expiry: 11/12/2014

## **Addresses Consulted**

2 Paines Close; 3 Paines Close; 4 Paines Close; 6 Paines Close.

## **Summary of Responses**

- The proposal would spoil the attractiveness, character and appeal of the Close;
- The proposed replacement dwelling would create an unattractive and overbearing impact to neighbouring dwellings;
- Strict criteria should be applied to the rebuilding of the property particularly in relation to dormer windows and the height of the dwellinghouse;
- There is no guarantee that there will be no cutting of trees, in particular the spiny/copse which is a significant feature of the Close;
- The development will lead to numerous delivery vehicles accessing the Close and there is no clear indication of how these will be managed;
- The proposed development will result in the loss of views from neighbouring properties which would adversely affect residential amenity
- The proposal has a detrimental impact on the character of Paines Close and is out of scale and character with existing properties. The property should remain a bungalow to maintain the character and current balance of Paines Close.
- The proposed house is imposing in its size and fails to respect the size, look and

height of the current bungalow.

- The proposed dwelling will fail to respect the current inclining roofscape at this part of Paines Close;
- The proposed dwelling would be highly visible from Paines Lane unlike the current dwelling which is largely masked by the copse at the front of the property;
- The proposed building is too close to the boundaries with neighbouring dwellings thereby creating a terracing effect.
- The proposal is an overdevelopment, doubling the footprint of the existing property.
- The proposal will result in the loss of privacy;
- The proposal will result in loss of light to neighbouring properties, by virtue of its bulk and design.
- The proposed front dormers are not in keeping with the character of the area.
- Front dormers were never allowed in the Close and several have been refused.

## **APPRAISAL**

The Government has adopted a National Planning Policy Framework [NPPF] on 27 March 2012 that consolidates national planning policy. This document now carries significant weight and has been considered in relation to this application.

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

*'If regard is to be had to the Development Plan for the purpose of any determination to be 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 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 Development

Character and Appearance of the Area

Residential Amenity

Accessibility

Development and Flood Risk

Sustainability

Transport & Parking

Equalities Implications

S17 Crime & Disorder Act

Consultation Responses

### **Principle of the Development**

Paragraph 12 of the NPPF states that:

'This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that

accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.'

The proposed dwelling would replace an existing dwelling in a similar position in its plot. Having regard to the planning designations on the site, there are no development plan policies that specifically preclude the replacement of a residential dwelling here. The proposed development would not result in development on garden land and would therefore not conflict with Core Strategy policies CS1A and CS1B.

In conclusion, the proposed dwellinghouse is considered to be acceptable in principle. Nevertheless, this is also subject to detailed consideration of the likely impact on the character and appearance of the area, neighbouring amenity, highway safety and other matters addressed in the appraisal below.

### **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."

Paragraph 4.35 of the Council's adopted SPD (2010) states that 'Irrespective of whether a development compliments the existing building fabric of an area or constitutes an innovative new style in its setting, the design must be of a high standard. Building designs which are harmful in their site and setting will not be accepted'

Paines Close is situated on a quiet cul-de-sac and is characterised by detached dwellinghouses with varying designs and sizes on relatively large plots. The subject site is occupied by a bungalow at the eastern side of the Close. The subject proposal seeks a redevelopment of the plot such that the existing dwellinghouse would be demolished and replaced with a two storey dwellinghouse. The existing building has chalet style features, as does the building to the south (no.6 Paines Close) however its loss is not objectionable, in terms of character and appearance. Notwithstanding this, the applicants have sought to replicate a chalet style design which is considered to be acceptable. The proposed dwelling takes on a bungalow appearance with accommodation in the roofspace, it sits comfortably in the streetscene between the two neighbouring properties.

The proposal includes front dormer windows however these are considered acceptable as they are in the roofspace of what is essentially a single storey dwelling. Several comments have noted that front dormers should be unacceptable at this location, given the precedent set by previous refusals. However, these refused dormers were in the roofspace of two storey dwellings as opposed to single storey dwellings, as such, the front dormers are considered acceptable. The plain handmade tiled roofs and casement window detailing are considered to be acceptable and would also be in keeping with the neighbouring properties. Furthermore, the proposed materials would harmonise with the

other neighbouring properties in the surrounding area, the proposal would reinforce the predominantly traditional design of the area and therefore would be acceptable. A condition is attached to ensure the final materials will have an acceptable impact on the locality.

Significantly, the height of the building, at 7.3m, would be lower than the neighbouring two storey dwelling at no.4 but higher than the bungalow at no.6, thereby maintaining the slanting roofscape that echo's the inclining gradient that runs from that north to south. As such, the proposal is considered to be acceptable in this regard. Several neighbours have indicated some concerns that the proposed dwelling will be detrimental to the balance of the properties on Paines Lane, however, the height of the proposed dwelling, and the fact that it is a bungalow with accommodation in the roofspace, ensures that the inclining roofscape is maintained. The front dormers are considered acceptable features at this location. The Design Guide states that roof dormers should be subordinate features in the roof and retain a clearly visible section of roof around the sides, including the upper corners to visually contain them within the profile of the roof, which the proposal adheres to.

The proposed replacement dwelling is 13.3m wide, 13.1m deep at the north elevation and 16m deep at the south elevation. The property aligns the front elevation with no.6 to the south and aligns the rear elevation with no.4 to the north. In addition, the applicants have included a single storey rear conservatory that projects 4.0m. As such, the proposal has a substantial depth which effectively projects approximately 4.5m from rear elevation of the existing house. However, the proposals are considered to sit well at this location given the existing extensions afforded to neighbouring properties. To ensure that the property does not benefit from any additional extensions without prior approval from the Local Planning Authority, a condition will be placed on this application to restrict any permitted development rights.

Following pre-application discussions, the projecting gable end at the front of the property is now considered acceptable. The applicants have addressed the competing roofs at the front elevation. The front elevation is now considered to sit harmoniously with the character of the surrounding area. The proposed 1m gap with the site boundary makes an important contribution to the character and appearance of the area by maintaining the openness of the streetscene.

Whilst the footprint of the proposed dwelling (228m<sup>2</sup>) would extend beyond the footprint of the existing dwelling (124m<sup>2</sup>) on the application site, it is considered an acceptable increase.

It was noted during the Pre-application discussions that the integral garage is not considered to be a common feature on Paines Close. It was also noted that the integral garage would widen the appearance of the property such that a side garage, which is less bulky can be incorporated. The applicants have noted that there is an integral garage at no.9 Paines Close. Furthermore, they argue that there is a historical precedent of integral garages in the Close however these have since been converted to habitable rooms. The applicant has also stated that the property is intended for occupants with significant mobility issues and hence the requirement for the garage. It is considered that the increased bulk brought on by the inclusion of an integral garage does not detrimentally affect the character of the area or its openness. Furthermore, the neighbouring property at no.4 Paines Close, which is considerably larger than the proposed dwelling, will remain the only dwelling viewed when entering the Paines Close cul-de-sac. It is considered that

the copse will keep the application property hidden when entering the cul-de-sac and therefore, the integral garage is not considered to be of detrimental harm. Notwithstanding this, the integral garage in itself would not be sufficient reason to refuse the application proposals.

Policy DM23 states that: *“Proposals that fail to make appropriate provision for hard and soft landscaping of forecourts, or which fail to contribute to streetside greenery where required, will be refused.”* The proposal includes the provision for hard and soft landscaping at the front forecourt which is considered acceptable however a condition is attached in respect of a detailed scheme of hard and soft landscape works to ensure compliance with policy DM 23.

Policy DM45 of the Development Management Policies Local Plan states that ‘all proposals will be required to make on-site provision for general waste, the separation of recyclable materials and the collection of organic material for composting’. In terms of character and appearance, this policy requires refuse storage bins to ‘be located and screened to avoid nuisance to occupiers and adverse visual impact’. Satisfactory details of refuse and bicycle storage have not been provided and as such it is considered necessary to attach a condition to address this aspect of the proposal.

Overall, it is considered the scale and bulk of the proposal is acceptable and would reflect the established pattern of development in the street scene. The proposed new dwellinghouse would have an acceptable impact on the character and appearance of the surrounding locality. The proposal is therefore considered to overcome the concerns raised during the pre-application discussion and is now considered to comply with core policy CS1 (B) of the Harrow Core Strategy (2012), policies 7.4 (B) and 7.6 B of The London Plan (2011), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and the Council’s adopted Supplementary Planning Document - Residential Design Guide (2010).

## **Residential Amenity**

### *Neighbouring 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 DM 1 of the Harrow Development Management Policies Local Plan (2013) states that *“All development and change of use proposals must achieve a high standard of privacy and amenity. 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 development, will be resisted (c)”*. *“The assessment of privacy and amenity considerations will have regard to:*

- a. the prevailing character of privacy and amenity in the area and the need to make effective use of land;*
- b. the overlooking relationship between windows and outdoor spaces;*
- c. the distances between facing windows to habitable rooms and kitchens;*
- d. the relationship between buildings and site boundaries (applying the Council's 45 degree code where relevant);*
- e. the visual impact of development when viewed from within buildings and outdoor spaces (applying the Council's 45 degree code where relevant);*
- f. the adequacy of light and outlook within buildings (habitable rooms and kitchens) and*

*outdoor spaces (applying the Council's 45 degree code where relevant);*  
*g. the adequacy of the internal layout of buildings in relation to the needs of future occupiers and any impact on neighbouring occupiers;*  
*h. the impact of proposed use and activity upon noise, including hours of operation, vibration, dust, air quality and light pollution; and*  
*i. the need to provide a satisfactory quantum and form of amenity space for future occupiers of residential development.*

The Gross Internal Area and room sizes of the proposed dwellinghouse would comply with The London Plan (2011) and the Council's adopted SPD (2010). As such, the proposal is considered acceptable in this regard and would provide acceptable living accommodation for the future occupiers.

The subject proposal would give rise to dwelling of increased height and scale on the application site. The proposed dwelling would be set away from the shared boundary with nos. 4 and 6 by 1m, which is less than the distance with the existing bungalow. However it is noted that the current bungalow has a side garage which adjoins the northern boundary and a bin store which, similarly, adjoins the southern boundary. Whilst the garage and bin store only abut a small area with the boundaries, the proposed dwelling will allow for a continuous open gap between neighbouring properties. The property at no.4 Paines Lane is located approximately 2m from the boundary whilst the property at no.6 is located approximately 1.3m from the shared boundary with the application site. As such, in combination with the 1m gap proposed with the new dwellinghouse, the gaps are considered acceptable and do not result in detrimental harm to neighbouring dwellings, nor result in a terracing effect, a concern raised by neighbours. Furthermore, given the orientation of the site, the resultant dwellinghouse will not give rise to any loss of light.

No.6 is an existing bungalow built in a similar chalet style to the application site property. The bungalow has a rear dormer window which serves a bedroom. The bedroom forms a main habitable room and is afforded protection under the Council's SPD. The proposed new dwellinghouse would not breach the horizontal 45 degree code from this window. The 1m metre gap to the boundary would ensure that dwellinghouse does not give rise to an overbearing impact on the occupiers of No. 6. It is noted that no.6 sits at a lower level to the application property however the bulk of the property is largely removed due to the single storey element of the proposal at the rear site. As such, the proposed dwelling is not overbearing when viewed from the rear of no.6. It is noted that several neighbours have raised concerns in regards to an overbearing impact on of the proposed dwelling however, given the varying site levels, the proposal only has the potential to overbear onto no.6 however it has been demonstrated above that this is not the case.

There is a kitchen window proposed at the flank wall facing toward no.6. Given the difference in levels between the two properties, this window has the potential to result in direct or perceived overlooking/loss of privacy into the neighbouring property. It is under this context that a condition will be added to ensure this window is obscure glazed. This will not affect light or outlook from this part of the kitchen given the glazed floor to ceiling doors and glazed lantern. It is noted that there are also flank facing windows on the conservatory however these are located approximately 4.7m away from the flank wall and therefore there are not considered to give rise to overlooking or loss of privacy. The remaining proposed ground floor windows at the flank elevations would be acceptable due to their modest size and height.

The proposals are not considered to have a detrimental impact on the property at no.4



Paines Lane. No.4 benefits from a two storey rear extension that has a depth approximately 3.5m from the original rear building line formerly shared by both properties. The proposed rear building line will align the existing property at no.4. However the application site will project further by 4m to create a conservatory. The conservatory is single storey and is not considered to result in overlooking, loss of light or loss of privacy to the property at no.4. Furthermore, no.4 is situated at a higher level which further alleviates any harm the conservatory may cause. The conservatory is set in by 0.5m from the flank wall and therefore, there is a separation space of approximately 3m between the properties. As such, the proposal is not considered to cause any additional detriment to neighbouring properties.

The views from the proposed rear dormers would be at oblique angles and are not considered to be unreasonable.

Overall, it is considered that the proposed dwelling would be sited at a sufficient distance from the neighbouring dwellings and would not give rise to unacceptable levels of actual or perceived overlooking, loss of light or overshadowing to these properties. The proposed development would therefore have an acceptable impact on the amenities of neighbouring occupiers and would provide acceptable living accommodation for future occupiers, in line with the requirements of policy 7.6 of The London Plan (2011), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and the Council's adopted Supplementary Planning Document - Residential Design Guide (2010).

### **Accessibility**

The submitted application documents do not clearly set out whether the proposed dwellinghouse would have adequate turning and circulation areas or appropriate door widths. The supporting statement claims that the application complies with Policy 7.2C of the London Plan however this has not been properly demonstrated. As such, it has not been proven that all 16 Lifetime Homes standards have been achieved. Therefore a condition will be attached to the application to ensure that Lifetime Homes standards are met accordingly. Subject to such a condition, the proposed development would therefore accord with policy 7.2.C of The London Plan 2011, policy CS1.K of the Harrow Core Strategy 2012, policy 2 of the DM DPD and the adopted SPD: Accessible Homes 2010 in providing accessible units for all persons.

### **Development and Flood Risk**

The site is not located within a flood zone. However, is located within a Critical Drainage Area and given the potential for the site to result in higher levels of water discharge into the surrounding drains, could have an impact on the capacity of the surrounding water network to cope with higher than normal levels of rainfall. The Council's Drainage Team has commented on the application and recommended conditions to ensure that development does not increase flood risk on or near the site and would not result in unacceptable levels of surface water run-off. It is considered reasonable that this matter could be addressed by way of appropriately worded safeguarding conditions. Subject to such conditions the development would accord with National Planning Policy, The London Plan policy 5.12.B/C/D, and policy DM10 of the DMP.

### **Sustainability**

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

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

### **Transport & Parking**

The London Plan and the adopted Core Strategy encourage and advocate sustainable modes of travel and requires that each development should be assessed on its respective merits and requirements, in terms of the level of parking spaces to be provided etc.

Vehicular access to the proposed dwelling would be gained via an existing cross-over, and the front garden layout would remain similar to the existing situation. Thus, in terms of highway safety, the existing situation would remain largely unchanged. The application has been referred to the Council's Highways Authority who have advised that there are no objections to the proposal, subject to a condition requiring a construction management plan to be submitted to and approved in writing prior to the commencement of development. The reason for this condition is due to the sensitivity of the local road network.

### **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. The proposed change of use would have no impact with regard to section 149 of the Equalities Act 2010.

### **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 Response**

- The proposal would spoil the attractiveness, character and appeal of the Close;  
*See Section 2*
- The proposed replacement dwelling would create an unattractive and overbearing impact to neighbouring dwellings;  
*See sections 2 and 3*
- Strict criteria should be applied to the rebuilding of the property particularly in relation to dormer windows and the height of the dwellinghouse;  
*See section 2*
- There is no guarantee that there will be no cutting of trees, in particular the spiny/copse which is a significant feature of the Close;

*The Supporting Statement makes it clear that trees and hedges are to be retained. Furthermore, the Supporting Statement states that care will be given to protection of tree roots. Notwithstanding this, a condition has been included to ensure specific details of tree protection are submitted and approved prior to the start of the development.*

- The development will lead to numerous delivery vehicles accessing the Close and there is no clear indication of how these will be managed;  
*A condition has been added that specifically requires a Construction Management Plan to be submitted and approved prior to the development commences. The Council's Highways Department will ensure that the details are acceptable before allowing the development to commence.*
- The proposed development will result in the loss of views from neighbouring properties which would adversely affect residential amenity.  
*Whilst all householder proposals must comply with concerns regarding privacy, outlook or loss of light, the views toward the open area to the front of the application site would not constitute protection within material planning considerations.*
- The proposal has a detrimental impact on the character of Paines Close and is out of scale and character with existing properties. The property should remain a bungalow to maintain the character and current balance of Paines Close.  
*See section 2*
- The proposed house is imposing in its size and fails to respect the size, look and height of the current bungalow.  
*See section 2*
- The proposed dwelling will fail to respect the current inclining roofscape at this part of Paines Close;  
*See section 2*
- The proposed dwelling would be highly visible from Paines Lane unlike the current dwelling which is largely masked by the copse at the front of the property;  
*See section 2*
- The proposed building is too close to the boundaries with neighbouring dwellings thereby creating a terracing effect.  
*See section 3*
- The proposal is an overdevelopment, doubling the footprint of the existing property.  
*See section 2*
- The proposal will result in the loss of privacy;  
*See section 3*
- The proposal will result in loss of light to neighbouring properties, by virtue of its bulk and design.  
*See section 2*
- The proposed front dormers are not in keeping with the character of the area.  
*See section 2*
- Front dormers were never allowed in the Close and several have been refused.  
*See section 2*

## **CONCLUSION**

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

## **CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years

from the date of this permission.

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: Supporting Statement, 1188/P2/1 Rev B, 1188/P2/2 Rev D, 1188/P2/3 Rev A, 1188/P2/4 and 01.

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

3 The development of the dwellinghouse hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces of

a) the new dwelling

b) the ground surfacing

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 DM1 of the Councils Development Management Policies Local Plan 2013.

4 The dwellinghouse 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 for the forecourt of the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities. Hard landscaping shall include details of the low rise side boundary wall. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in accordance with policy DM23 of the Councils Development Management Policies Local Plan 2013.

5 All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the occupation of the approved dwelling, 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, in accordance with policy DM23 of the Councils Development Management Policies Local Plan 2013.

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

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

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding, in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

7 Notwithstanding the approved plans, prior to the construction of the development,

details for a scheme for works for the disposal of surface water and surface water attenuation and storage works on site as a result of the approved development shall be submitted to the local planning authority to be approved in writing. The development shall be completed in accordance with the approved details and shall thereafter be retained.

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

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

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement, in accordance with policies DM1 and DM10 of the Councils Development Management Policies Local Plan 2013.

9 Site works in connection with the development of the new dwellinghouse hereby permitted shall not commence before the boundary of the site is enclosed by a close boarded or other security 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, in accordance with policies DM1 and DM45 of the Councils Development Management Policies Local Plan 2013.

10 The glazing in the southern flank wall, serving the kitchen, shall be of purpose-made obscure glass and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents, in accordance with policy DM1 of the Councils Development Management Policies Local Plan 2013.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no windows/doors other than those shown on the approved plans shall be installed in the flank walls of the dwellinghouse hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, in accordance with policy DM1 of the Councils Development Management Policies Local Plan 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 Classes A, B, C, and D in Part 1 of Schedule 2 to that Order shall be carried out in relation to the dwellinghouses hereby permitted without the prior written permission of the local planning authority.

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of amenity space and to safeguard the amenity of neighbouring residents, in accordance with policy DM1 of the Councils Development Management Policies Local Plan 2013.

13 A Demolition and Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition taking place on the site. The Statement shall include, but shall not be limited to:

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

The demolition and construction of the building on site shall be carried out in accordance with the approved Method Statement.

REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network, in accordance with policies DM1 and DM43 of the Councils Development Management Policies Local Plan 2013.

14 Notwithstanding the details shown on the approved drawings, the development hereby approved shall not commence beyond damp proof course level until annotated plans and/or an accompanying Lifetime Homes compliance statement demonstrating how (and to what extent) the development would comply with the Lifetime Homes Standard, has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details which shall be fully implemented before the first occupation of the development and shall be retained as such thereafter.

REASON: To ensure that, where the development is capable of meeting 'Lifetime Home' standard housing in accordance with policies 3.5, 3.8 and 7.2 of The London Plan 2011, policy CS1.K of the Harrow Core Strategy 2012 and policy DM2 of the Harrow Development Management Policies Local Plan 2013.

## INFORMATIVES

1 The following policies are relevant to this decision:-

- National Planning Policy Framework (2012)
- The London Plan (2011) policies 3.1, 3.3, 3.4, 3.5, 3.8, 5.12, 5.13, 7.1, 7.2, 7.3, 7.4, and 7.6.
- Harrow Core Strategy (2012) Core Policy CS1.
- Harrow Development Management Policies Local Plan (2013): DM1, DM2, DM10, DM12, DM22, DM23 and DM42.

2 INFORM23\_M - Considerate Contractor Code of Practice

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.

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

3 INFORM32\_M - The Party Wall etc Act 1996

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)

(updated 28.3.07)

#### 4 INFORM\_PF1

Grant with pre-application advice

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

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

#### 5 INFORM36\_M – Measurements from Submitted Plans

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.

#### 6 INFORMATIVE:

Please be advised that this application attracts a liability payment of £9,030.00 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 upon the grant of planning permission will be collecting the Mayoral Community Infrastructure Levy (CIL). Your proposal is subject to a CIL Liability Notice indicating a levy of £9,030.00 for the application, based on the levy rate for Harrow of £35/sqm and the residential floor area of 889sq.m.

#### 7 Harrow CIL

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;

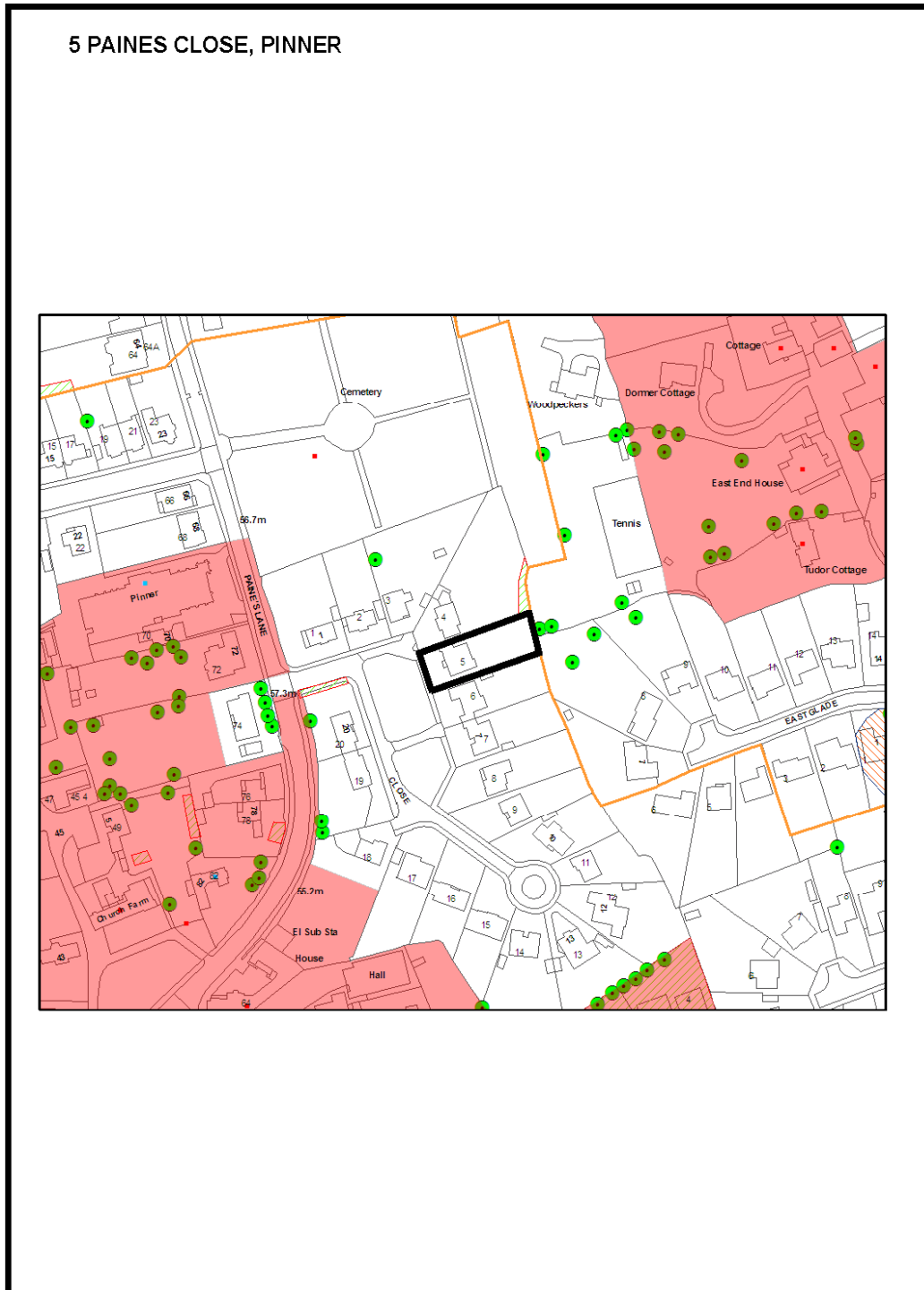
Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui generis)- £55 per sqm;

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: £28,380.00.

Plan Nos: Supporting Statement, 1188/P2/1 Rev B, 1188/P2/2 Rev D, 1188/P2/3 Rev A, 1188/P2/4 and 01.





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

None.

**SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES**

None.

**SECTION 5 - PRIOR APPROVAL APPLICATIONS**

None.