

## SECTION 1 – MAJOR APPLICATIONS

Item No. 1/01

Address: 1 ELIOT DRIVE, HARROW

Reference: P/1778/12

Description: REDEVELOPMENT TO PROVIDE 82 NEW DWELLINGS COMPRISING A MIX OF HOUSES AND FLATS WITHIN 2, 3 AND 4 STOREY BUILDINGS; ASSOCIATED CAR PARKING AND COMMUNAL OPEN SPACE; DEMOLITION OF EXISTING BUILDINGS.

Ward: ROXBOURNE

Applicant: HOME GROUP LIMITED

Agent: LEVITT BERNSTEIN

Case Officer: ANDREW RYLEY

Expiry Date: 14/09/2012

### RECOMMENDATION

**GRANT** planning permission subject to conditions.

### REASON

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), the policies of The London Plan (2011), Harrow's Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan (2004) listed in the informatives below, as well as to all relevant material considerations including the responses to consultation.

As part of the final phase of the wider site redevelopment, the proposed development would contribute to the regeneration of the Rayners Lane Estate through replacement of existing poor quality housing stock. The proposal would deliver a mix of small family houses and a number of one and two bedroom apartments to address the specific housing needs of the Rayners Lane Estate, in accordance with the National Planning Policy Framework, The London Plan (2011), Harrow's Core Strategy (2012) and Unitary Development Plan (2004). The proposed development would provide a modern contemporary design that responds appropriately to the local context, and would provide appropriate living conditions for the future occupiers of the development. Given the layout of the proposed development and separation to shared boundaries, the impact upon residential amenity in surrounding areas is considered to be acceptable.

### INFORMATION

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

Rayners Lane Estate was originally built in the 1960s and was the largest local authority flatted estate in Harrow, occupying 17ha and comprising 680 dwellings of which 518 were social rented homes, 75 leasehold flats and 87 freehold houses (which had been acquired under right to buy). The original Estate built in the 1960s primarily consisted of a mix of 3 and 4 storey blocks of systems built (resi-form) and traditional flats and maisonettes set in areas of semi private open space with little or no private amenity space around the individual blocks. Unfortunately, the Estate became increasingly run down over time.

The regeneration scheme prepared by Home Group for the Estate proposed the demolition of the poor quality buildings and replacing them with a mix of homes for rent and sale. The new energy efficient homes would comprise houses with private gardens, and flats with balconies in a street setting reflecting the wishes of existing residents, which were identified through an extensive consultation process. In 2001, a masterplan was developed for the regeneration of the estate. The masterplan was designed in consultation with the residents of the estate and sought to address the perceived deficiencies of the existing layout.

An outline planning application was submitted and approved in 2002 for the demolition of all resiform blocks of flats and replacement of 450 new homes for rent, and a further 285 properties for private sale to subsidise the regeneration of the estate. The application also included the retention and refurbishment of 68 dwellings, the construction of a new community centre, new open green space and re-provision of a 'Teenage Friendly Zone'.

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

Revisions were made to the masterplan in 2006 and a new outline application was submitted in 2008 to capture all the changes to the original permission.

The award of social housing grant in 2009/10 from the HCA enabled Home Group to increase the provision of low cost home ownership units on the scheme and some of the private sales units were subsequently delivered as Homebuy Direct or First Buy (Shared Equity/low cost home ownership).

**Statutory Return Type:** Largescale major dwellings

**Council Interest:** None

**Gross Floorspace:** 4,420 sq m

**Net additional Floorspace:** 6,775 sq m

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** £237,125

#### **Site Description**

- The 1.0 ha application site is located within the wider [15.43 ha] Rayners Lane Estate, in the western half of the Estate.
- The site currently contains two Resiform blocks of flats, which are now vacant. At the time of the officer site visit, the site was enclosed by hoarding.
- At present, the site is accessed from Austen Road to the east. The site is bounded by Tranquil Lane to the north, Austen Road to the east, Marylett Avenue to the south and

Rayners Lane to the west.

- The application site is the last area within the wider Rayners Lane estate to be developed. To the north of the site lies new three and four storey residential properties developed as part of Phase D, along with an area of open space referred to as the “Sports Fun Zone”. To the east of the site lies two-storey housing along Austen Road, as well as the Beacon Community Centre, further than this, by the underground railway line which sits on a raised viaduct. To the immediate south of the application site lies existing two-storey housing, whilst to the west lies Rayners Lane Football Club, and Newton Farm Ecology Park.
- There are six vehicular access routes into the estate, five of which are accessed via Rayners Lane to the west of the estate, with the remaining access under the viaduct via Welbeck Road,
- The nearest part of the Strategic Road Network (SRN) is the A312 Northolt Road 875m to the south-east while the A40 Western Avenue, 3km to the south of the site, is the nearest part of the Transport for London Road Network (TLRN).
- Rayners Lane London Underground (LU) station on the Metropolitan and Piccadilly lines is located approximately 950m to the north-west of the site and falls within the maximum Public Transport Accessibility Level (PTAL) walk distance of part of the site. In addition, the H12 bus service passes the site on Rayners Lane. As such, the site records a Public Transport Accessibility Level (PTAL) of between 1b and 3, where 1 is poor and 6 is excellent. South Harrow LU station is located to the south of the site.
- Outline planning permission was granted in 2002 for the overall regeneration of the Rayners Planning Estate.
- The site is not within a Conservation Area or curtilage of a Listed Building, nor a recognised Flood Zone.

### **Proposal Details**

- This is a full planning application that proposes the demolition of the existing 56 dwellings on this site and its redevelopment to form 82 new dwellings.
- The development would comprise 5 two bedroom houses, 27 three bedroom houses, 13 one bedroom flats and 37 two bedroom flats.
- The application proposes one broad perimeter block on a north to south axis. The proposed flats, which would be four storeys in height, would be located at the north of the site, with a mix of two and three storey dwellinghouses in the middle and southern areas of the site. The application proposes central landscaped square in the centre of the development (approximately 863 sq m). This will allow pedestrian routes connecting the space at the North East the site through the south-west.
- It is proposed to both remove the existing mini-roundabout on Rayners Lane to the west of the site and convert the Rayners Lane / Marryat Avenue junction from a mini-roundabout to a priority junction. A new access into the site would be created from Rayners Lane, which would also incorporate a new ‘speed table’. A further speed table would be installed at the northern end of Rayners lane (at the north-west of the application site).
- The proposed houses would have front and rear gardens, and offstreet car parking spaces in allocated bays or curtilage spaces. The proposed flats would have car parking to the rear in a secure courtyard. 90 car parking spaces are proposed across the development.
- Cycle storage for flats would be accommodated within the main envelope the building. All of the proposed flats would have a balcony or terrace.

### **Environmental Impact Assessment**

The development falls within the thresholds set out in Schedule 2 of the Town and Country Planning (EIA) Regulations 2011 whereby an Environmental Impact Assessment may be required to accompany the planning application for the purposes of assessing the likely significant environmental effects of the development.

Schedule 2 paragraph 10(a) of the Regulations states that proposals for urban development projects of more than 0.5 hectares in area may require an Environment Impact Assessment (EIA). The application site area is 1.0 hectares and therefore the proposed development may require an EIA.

The indicative thresholds outlined within Annex A of Circular 02/1999: Environmental Impact Assessment indicate that development for sites which have not previously been intensively developed are more likely to require EIA if they would provide in excess of 10,000 square metres of new commercial floorspace or a 1,000 dwellings. The proposed development is for 82 dwellings, and that the site has been previously developed. The site is part of wider redevelopment proposals insofar as adjoining sites are concerned, and is within a built up urban area.

As required pursuant to 4(5) of the Regulations and having regard to the criteria set out in Schedule 3, which provides criteria against which a local planning authority might consider whether an EIA is required, it was concluded that the characteristics of the proposal, the location of the development and the characteristics of the potential impact would be of a nature that did not warrant the submission of an Environmental Impact Assessment as it would not have a significant environmental effects.

#### **Relevant History**

LBH/2779/1 Erection 14 three storey flats, a community centre and 6 shops with 6 flats over  
Granted 04-JUN-68

LBH/2779/2 Erection 13 Three storey blocks of flats community centre 6 shops with 6 flats over, garages and parking spaces (revised)  
Granted 30-OCT-69

WEST/112/02/OUT OUTLINE: Regeneration of estate including demolition of 515 flats and maisonettes and construction of 329 houses and 406 flats with parking, community building, estate office/shop and provision of public open space, with play areas and new road layout  
Granted 16-OCT-02

P/1602/07 Details required by condition 10 (samples of materials) of planning permission ref: WEST/112/02/OUT  
Granted 23-JUL-07

P/1610/07 Details of surface water disposal and surface water attenuation required by conditions 13 & 14 of planning permission ref: WEST/112/02/OUT  
Granted 04-JUL-07

P/1625/07 Details of levels required by condition 9 of planning permission ref: WEST/112/02/OUT  
Granted 24-JUL-07

P/0813/08/DDP Details of boundary treatment required by condition 3 and samples of external surfaces required by condition 10 of planning ref: WEST/112/02/OUT  
Granted 18-APR-08

P/1341/07 Approval of reserved matters for open space pursuant to permission P/112/02/OUT  
Granted 23-JUL-2008

P/2669/08 Approval of details of condition 4 (access carriageway to base), 5 (hard & soft landscaping) and 6 (existing trees/tree protection) of planning permission WEST/112/02/OUT  
Granted 16-OCT-08

P/0431/08/COU OUTLINE: Redevelopment of Rayners Lane Estate (Area bounded by Rayners Lane, Maryatt Avenue, Coles Crescent, Eliot Drive and Austen Road, Phases E to H) to provide 162 Houses, 177 Flats, car parking, public open spaces and new access/pedestrian access  
Granted 07-MAY-10

P/0735/09 Redevelopment to provide 13 houses ranging from 2-3 storeys in height and one 4-storey block to provide 8 flats and 23 parking spaces  
Granted 06-AUG-09

P/1905/09 Construction of 135 residential dwellings as part of the Rayners Lane Estate regeneration comprising 5 x 5 bed houses 27 x 4 bed houses 46 x 3 bed houses 41 x 2 bed flats and 16 x 1 bed flats; new access road re-aligned footpaths provision of 157 car parking spaces, cycle parking and bin stores (revised drawings)  
Granted 22-DEC-09

P/0014/10 Three-storey residential building comprising 3no. X one-bed and 3no. X two-bed flats, landscaping and refuse storage  
Granted 05-MAY-2010

P/0405/10 Demolition of four existing blocks of flats and the construction of 55 residential dwellings as part of the Rayners Lane estate regeneration; comprising 2 x 3 bed houses, 17 x 2 bed houses, 22 x 2 bed apartments and 14 x 1 bed apartments; the provision of landscaping, refuse and 54 car parking spaces (revised proposal).  
Granted 20-JUL-2010

P/1778/12 Redevelopment to provide 82 new dwellings comprising a mix of houses and flats within 2, 3 and 4 storey buildings; associated car parking and communal open space; demolition of existing buildings  
Resolution to grant, subject to GLA referral, approved at Planning Committee 05-SEP-2012

### **Pre-Application Discussion**

- Pre-application meetings have taken place over the last year with Council Officers. The application is broadly consistent with the advice given as part of the pre-application process.

### **Applicant Statement**

- The regeneration of Rayners Lane Estate has been ongoing since 2001. There have

been two separate outline planning applications for the development plus a masterplan review. Also extensive consultation with residents and stakeholders has been undertaken regarding the regeneration works.

- The overall scheme represents an opportunity to improve and enhance Rayners Lane Estate by creating a better mix of dwellings, a more vibrant streetscape, enhanced landscaping and a quality design that responds to the constraints and opportunities of the site.
- Phase G is the latest phase of the Rayners Lane Estate Regeneration. Phase G has been designed in a contemporary architectural manner, to respond to the local context, that has a distinctive identity.

### **Applicant Submission Documents**

In addition to full plans, the application comprises the following documents:

- Design and Access Statement
- Daylight and Sunlight Report
- Transport Assessment
- Arboricultural Report
- Energy Strategy
- Sustainability Strategy
- Drainage Plan
- Flood Risk Assessment

### **Consultations**

Transport for London (TfL): Objection. Whilst the principle of the application can be supported, TfL do have some concerns over the changes proposed to Rayners Lane and their impact on buses in the area. There is also a concern that car parking has increased since the original outline application, and the status of any Travel Plan should be clarified.

Planning Policy: No objection.

Housing Officer: No objection, current application is consistent with delivery of masterplan; all affordable units have been delivered as part of the previous phases of the scheme.

Highway Authority: No objection. The level of parking provision for the residential units is acceptable and in line with The London Plan (2011) standards, as would the level of disabled bays and electric charging points. Revisions to public highway are considered acceptable.

Landscaping Officer: No objection, subject to landscape and boundary treatment conditions. Comments that the proposed development is situated on previously developed land, with Newton Farm Ecological Park (Site of Local Importance of Nature Conservation) very close, to the south west of the proposed development. The impact of the proposed new development on the ecology park should be minimal, since the site has previously been developed with flats. The landscape proposals incorporate a central landscaped green space running through the site from north to south and a new footpath and landscaped green link, linking the central space from east to west to connect to Newton Farm Ecology Park. The green link forms a connection for pedestrians between the proposed Rayners Lane development, via a safe crossing point, across a proposed raised speed table connecting to the Ecology Park, part of Harrow Council's Green Grid.

The proposed planting of additional trees around the site would enhance the biodiversity and help to form a green link between the development site and Newton Farm Ecological Park.

Biodiversity Officer: No objection, but comments that the Design and Access Statement makes great play of the ecological nature of the development with its in wildlife attractive planting, however, there are no bird boxes or bricks included. It is recommended that new dwellings are fitted with bird boxes for regional (London) urban Biodiversity Action Plan species such as house sparrow, starling, swift and house martin. These would need to be placed in optimum positions, for each particular species, to be of value.

Thames Water: No comment on the application.

Drainage Engineer: No objection subject to conditions.

Environment Agency (EA): No objection, subject to planning conditions controlling a surface water drainage scheme and contamination.

## **Advertisement**

Major Development – Expired 27/08/2012

## **Notifications**

Sent: 240

Replies: 0

Expiry: 31/05/2012

## **Summary of Responses**

- N/A

## **MAIN CONSIDERATIONS**

- 1) Principle of the Development
- 2) Character of the Area
- 3) Residential Amenity
- 4) Traffic and Parking
- 5) Development and Flood Risk / Contamination
- 6) Sustainability
- 7) S17 Crime & Disorder Act
- 8) Impact upon Health and Wellbeing
- 9) Planning Obligations and Conditions to Mitigate the Impact of Development
- 10) Consultation Responses
- 11) Conclusions

### **1) Principle of the Development**

Members will be aware that the National Planning Policy Framework (NPPF) was published by the Government on the 27/03/2012. The NPPF does not change the law in relation to planning (as the Localism Act 2012 does), but rather sets out the Government's planning policies for England and how these are expected to be applied. It is still the case that applications for planning permission must be considered in the context of the Development Plan for the area, as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended). The Development Plan for this area comprises:

- The London Plan (2011), and the Early Minor Alterations to it;

- The Harrow Core Strategy (2012);
- The saved policies of the Harrow Unitary Development Plan (2004).

The NPPF, however, does set out policies and principles that local planning authorities should take into account, when both preparing local plans, and determining planning applications. The policies within the NPPF are a material consideration that should be given significant weight, especially when they conflict with an out-of-date Development Plan.

Of particular note in the NPPF is the (much debated) requirement that there is a presumption in favour of sustainable development. Paragraph 14 of the NPPF sets out that:

*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*

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

Taking each of the relevant NPPF sections in turn, The London Plan (2011) and Harrow's Core Strategy (2012) provide a clear framework for:

- ensuring that major development takes place in accessible locations to benefit from, and support investment in, sustainable transport (*promoting sustainable transport*);
- the delivery of a quantum, mix and affordability of homes to meet evidenced needs over the plan period on previously developed land including mixed-use redevelopment of redundant offices where appropriate, but without relying on the development of garden or other windfall sites (*delivering a wide choice of high quality homes*);
- securing good, inclusive design through new development within the Intensification Area and ensuring that the character of suburban areas is safeguarded (*requiring*



*good design*);

- meeting the needs of the community by ensuring the delivery of social infrastructure such as healthcare and educational facilities, and ensuring the protection, improvement and new provision of open space (*promoting healthy communities*);
- managing flood risk and mitigating climate change (*meeting the challenge of climate change, flooding and coastal change*);

Specific policies of the NPPF (2012) that are relevant to the subject proposal are discussed in the relevant sections below.

Policy 3.3 of The London Plan (2012) sets out the target for housing supply for each London Borough, for Harrow this being a provision of 3,500 additional homes for the next ten years and an annual monitoring target of 350. It is considered that the principle to redevelop this site for residential development would be in accordance with the London Plan (2011) policy 3.3.

The London Plan (2011) policy 3.4 requires that development should seek to optimise the number of residential units, having regard to the local context, matters of design and the level of public transport acceptability. Target guidance ranges for the density of new residential development are specified in Table 3.2 Sustainable Residential Quality (SRQ) density matrix, which supports policy 3.4 of The London Plan (2011). The density guidance ranges specified in this table are related to the site location setting, the existing building form and massing, the indicative average dwelling size, and the Public Transport Accessibility Level (PTAL) of the site.

The London Plan (2011) policies 3.9 – 3.13 sets out guidance on the delivery of new affordable housing. Policy 3.9 promotes mixed and balanced communities and requires that new developments should encourage a good mix of housing tenures thereby reducing social deprivation. Policy 3.10 of The London Plan (2011) defines affordable housing as social rented, affordable rented and intermediate housing (including shared ownership/equity and intermediate rental products etc). The London Plan (2011) policy 3.12 promotes the negotiation of affordable housing on residential and mixed use developments and in particular explains how boroughs should seek to secure the maximum reasonable provision of affordable housing on qualifying sites subject to financial viability, the availability of funding and other site specific and local circumstances and priorities. Boroughs should evaluate financial appraisals submitted alongside planning applications rigorously.

Harrow Core Policy CS1 (Overarching Policy) I identifies that new residential development should result in a mix of housing in terms of type, size and tenure across the Borough and within neighbourhoods, to promote housing choice, meet local needs, and to maintain mixed and sustainable communities. This includes the provision of a range of affordable housing tenures including social and affordable rent, as well as intermediate housing products such as shared ownership and shared equity. Harrow Unitary Development Plan (2004) policy H7 require new development to provide a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.

Harrow Core Policy CS1 (Overarching Policy) J states that the Council will aim for a Borough wide affordable housing target of 40% of the housing numbers delivered from all sources of supply across the Borough between 2009 and 2026. The Council will seek the maximum reasonable amount of affordable housing on all development sites with a

capacity to provide ten or more homes (gross), having regard to:

- the availability of public subsidy;
- the need to promote housing mix and choice (see Policy CS1 I);
- the priority accorded to family affordable housing in both the London Plan and the Council's Housing Strategy;
- the size and type of affordable housing needed in particular locations;
- the site circumstances and other scheme requirements;
- development viability; and
- the need to meet the 40% borough wide target.

The application site is within an urban setting as defined in the Harrow Unitary Development Plan (2004). Given the PTAL accessibility level (2-3), the density matrix of The London Plan (2011) table 3.2 suggests that development in the range of 200 – 450 habitable room per hectare (HRHa) is appropriate. The development would have an overall density of 270HRH which is considered acceptable (compared to 311 HRH for the outline application, as the full application includes all of the proposed open space within the development). Overall, the proposed development is considered acceptable in terms of the density of the site.

The principle of regeneration of the Rayners Lane Estate was established in 2002 through the approval of the outline planning application WEST/112/02. The proposal was supported at a strategic planning policy level, as it provided an increase in housing (220 additional units) at appropriate levels of density and replaced and improved existing levels of affordable housing. This permission established the demolition of the existing three and four storey apartment blocks on site and the revised layout of estate to provide a total of 735 new dwellings (450 new affordable homes for rent, refurbishment of 68 rented properties and 285 new homes for private sale).

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

The delivery of the Rayners Lane scheme and construction of affordable homes was always dependent on the cross-subsidy from outright sales. No grant was included in the original scheme proposals and therefore proposals represented excellent value for money while at the same time improving tenure balance and quality.

The initial Phases (A – D) of the regeneration proposals completed in September 2009. By this time Home Group needed to review the Business Plan as the substantial drop in sales values that took place in the previous 18 months had adversely affected the injection of capital required into the scheme. This led to a substantial cash flow deficit in the business plan which threatened the continuation of the scheme.

In August 2008 Home Group successfully applied to the Housing Corporation for grant funding based on additionality of bedspaces being provided in the affordable homes. In December 2008 a business case was made to the newly formed Homes and

Communities Agency (HCA and now the GLA Housing Land Directorate) for grant for all the remaining affordable units still to be constructed on the basis that the regeneration project would otherwise be threatened due to the decline in market conditions.

The HCA approved the grant application in March 2009 and awarded funding for rented accommodation as well as for the additional intermediate rent to buy units, and as a result Phase Big E was created. Phase Big E was designed to combine several phases in the original masterplan design (phases E, part of F and G2 as envisaged by the Outline Consent).

Full planning permission for Phase Big E was granted on 22 December 2009 and for Block 2 (within that phase) on 5 May 2010. Phase Big E, when coupled with the permission granted for Block 2, comprised of 94 rented homes, 32 sales units and 15 Rent to HomeBuy properties. To complete the required provision of affordable housing, 2 of the 10 properties that we were originally designated for sale in phase D2 but have been let on a market rent pending recovery of the sales market were converted to Rent to HomeBuy.

Phase Big E completed in the final quarter of 2011/12. This phase completed the provision of the 474 rented homes included in the overall regeneration scheme (revised). It not only provided new homes for the final 54 families waiting to be re-housed, in addition, there were 40 family homes made available for additional Council nominations.

69 low cost home ownership units have been delivered in these phases above and beyond the original affordable housing requirement.

As the current Phase G application forms part of a wider business plan for the regeneration of the estate as a whole, it cannot be looked at in isolation in terms of affordable housing policy. A comprehensive business case demonstrating scheme viability was submitted to the HCA (now the GLA Housing Land Directorate) in 2008/09 in order to secure grant funding which enabled the continuation of the regeneration scheme.

At the outset of the regeneration, a comprehensive financial business plan was agreed between the Council and Home Group which sought to enable the complete redevelopment and refurbishment of the estate. The regeneration funding for the scheme is still dependent on the surplus from private sales cross subsidising the provision of social housing. Given that the affordable housing has already been delivered through the previous phases, and notwithstanding the outstanding concerns raised by the GLA, it is considered that the application is acceptable in principle and is compliant with The London Plan (2011).

### Conclusion

Having regard to the strategic policy considerations within the Development Plan, set out above, the history of housing delivery as set out in the masterplan for the site (as revised and updated), and all other material planning considerations, the application is considered acceptable in principle.

The NPPF and Development Plan nevertheless also require that the development satisfies a number of specific policy considerations, related to its detailed design and the impacts arising from it. These matters and the specific policy requirements will be considered below.

## 2) Character of the Area

The NPPF (2012) continues to emphasise that:

*“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. (Para 56)*

*It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. (Para 57)*

*Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. (Para 61)*

*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. (Para 64)*

*Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal’s economic, social and environmental benefits). (Para 65)”*

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. Development should not be harmful to amenities, should incorporate best practice for climate change, provide high quality indoor and outdoor spaces, be adaptable to different activities and land uses and meet the principles of inclusive design.

Saved policy D4 of the Harrow Unitary Development Plan (2004) 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. The Council has published a Supplementary Planning Document on Residential Design (2010) which sets down the detailed guidance for residential extensions and new residential developments and reinforces the objectives set under saved policy D4.

Saved policy D5 of the Harrow Unitary Development Plan (2004) requires new

development 'to provide amenity space which is sufficient: to protect the privacy and amenity of occupiers of surrounding buildings; as a usable amenity area for the occupiers of the development; as a visual amenity'. Explanatory paragraph 4.28 of saved policy D5 of the Harrow Unitary Development Plan (2004) goes on to state that 'There should be a clear definition between private amenity space and public space'.

It is noted that outline application P/1208/12 was approved at the 5<sup>th</sup> September Planning Committee, subject to referral to the Greater London Authority, which is currently taking place. Whilst this current application is a full proposal, as opposed to a subsequent reserved matters following the grant of outline, the broad principle of the design and layout of the development have already been considered and approved by the Council. The main issues to consider within this application, therefore, are the appearance and landscaping of the development (as the access, layout and scale of the development have already been considered as acceptable at outline stage).

In terms of the appearance of the development, the applicant's Design and Access Statement explores a range of materials relating to the location, based on the following principles:

- *Built forms that respect the character of the surrounding context.*
- *Variations in roof form to create visual interest and maximise potential for mounting photovoltaic panels on roofs at optimum angles.*
- *A robust primary brickwork to the external faces of the development at ground level with a contrasting brickwork above ground level.*
- *A secondary material to the rear of buildings and to courtyard areas.*
- *Slate roofs to houses*
- *Entrances to stair cores to flat blocks 1 and 6 will be glazed to enhance the visual permeability which was a priority established as part of the urban design strategy. Glazing will allow views through into courtyards, and circulation will be a contrasting colour, to mark entry points.*
- *Recessed balconies will be clad with a contrasting material that gives depth to the façade. Protruding balconies will have a lighter finish than that of the brick, with a solid front panel to provide privacy within the dwelling and glazed sides.*
- *Part of the roofs will be used as terraces to the upper flats with balustrades set back from the parapet edge to reduce potential privacy issues. Roofs that are not used as terraces will be green or brown roofs to reduce rainwater runoff, enhance the thermal performance and encourage biodiversity. As part of the energy strategy it is proposed that photovoltaic panels are provided to south facing roofs which have been angled to provide the optimum performance for the panels.*

The design approach is considered acceptable. It is noted that the applicant has stated that the materials for the balconies would include some form of panel to ensure privacy for the residents, which is considered positive, and details of this are recommended to be sought by way of a planning condition. Details of the window openings and rainwater goods would also be sought via planning condition.

In terms of landscaping, the Council's Landscape Architect has raised no objection to this subject to details being secured through a landscaping condition, which is recommended. The Comments of the Council's Biodiversity Officer are noted, and a suitable planning condition for bat and bird boxes within the development is recommended.

A planning condition is recommended that would require details of a strategy for the provision of communal facilities for television reception, such as aerials, dishes and other such equipment. This condition would also prohibit any further satellite dishes and other paraphernalia, that can lead to an adverse impact on the appearance of buildings once they have been constructed.

Overall, it is considered that the proposed design of the buildings is appropriate for the scale, size and urban context of the development. The evolution of the design through the development process has resulted in a design that overall, is considered to meet the objectives within NPPF (2012), acceptably addresses the criteria within The London Plan (2011) policies 7.4B and 7.6B, saved Policies D4 and D5 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).

#### **4) 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.

It is noted that no objections to the application were received from neighbouring occupiers. The existing buildings are all four storey in height, and proposed application would actually lead to a reduction in height of the buildings across large areas of the site. A BRE compliant Daylight and Sunlight report has been submitted in support of the application, which was prepared to cover the outline application previously considered by the Planning Committee. This concludes that of the 175 Windows of neighbouring buildings assessed, 164 of these would not be impacted insofar BRE guidance is concerned. Of the 11 windows that are affected, the report states that the impact from only be marginally outside of the 20% permissible reduction between the existing close levels, and that is also provided for within the guidance. The report concludes that the marginal losses are not considered to be significant.

On this basis, it is considered that the proposed scheme would comply with the London Plan (2011) and Council's adopted Supplementary Planning Document (SPD): Residential Design Guide (2010), and as such is considered to be acceptable in this regard.

#### Living Conditions for Future Occupiers

Harrow Core Policy CS1 (Overarching Policy) K states that the Council will require a high standard of residential design and layout consistent with the London Plan (2011) and associated guidance. In mixed tenure schemes a consistent standard of design and layout will be required throughout the development.

The Mayor's interim London Housing Design Guide (LHDG) was compiled after extensive consultation on a draft guide launched by the Mayor in July 2009. Whilst it applies to grant funded housing and London Development Agency development, its guidelines are considered by the Mayor to be best practice in residential design. Additionally, the principles of the Guide have been written into the newly released draft Housing SPG (EiP consultation version), in support of policy 3.5 of the now adopted London Plan (2011). Policy 3.5 sets out that new housing development should comply with Table 3.3 in The London Plan (2011), which in turn sets out minimum space standards for dwellings of

different sizes. Paragraph 3.36 of The London Plan (2011) states that these figures are *"based on the minimum gross internal floor area (GIA) required for new homes relative to the number of occupants and taking into account commonly required furniture and the spaces needed for different activities and moving around, in line with the Lifetime Home standards."*

The Council has adopted Supplementary Planning Document (SPD): Residential Design Guide (2010) also sets out minimum Gross Internal Areas (GIA) for different size residential units.

The application documents suggest that all of the proposed residential units would meet the minimum internal floor space standards required by the above planning policies.

Saved Policies D4 and C16 of the Harrow Unitary Development Plan (2004) and policy 3.8 of The London Plan (2011) seeks to ensure that all new housing is built to Lifetime Homes standard. The London Plan (2011) policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion. Appeal decisions in Harrow confirm that this policy can be given significant weight when assessing planning applications. As such, all new homes must meet 'Lifetime Home' standards and at least 10 per cent must achieve the enhanced 'Wheelchair Home' standards.

The applicant has confirmed that all of the dwellings would meet the Lifetimes Homes standards, and that 10% would meet Wheelchair Homes standards. This is considered acceptable, and would meet the policy objectives of The London Plan (2011) and the Harrow Unitary Development Plan (2004), together with the adopted SPG.

The London Plan (2011) policy 3.6 seeks to ensure that children have safe access to good quality, well designed, secure and stimulating play and informal recreation provision. London Plan Supplementary Planning Guidance: Providing for Children and Young People's Play and Informal Recreation' requires well designed play and recreation space for every child to be accommodated in new housing development. Policy D5 of the Harrow Unitary Development Plan (2004) requires new residential development to provide suitable amenity for future occupants. This is also a requirement of policy D4 of the Harrow Unitary Development Plan (2004).

The application proposes an area of open space in the centre of the development. This would measure approximately 863 sqm. Detailed plans have been submitted showing how the landscaping for the site, but these do not indicate any form of play space in this area at this time. However, it is also noted that a teenage friendly zone along with open space has been already been provided in the main site (located to the immediate north east of the application site), as has a local equipped play area (LEAP) along Swift Close.

The applicant has stated that *"the central space has been designed as a flexible space to accommodate a range of activities including informal play. The central grassed area is 388 sqm and is suitable for play so could be considered as part of this quota. Seating has been provided for carers and in addition, the planting to the south of the grassed area has been selected for its sensory qualities. We could also consider the introduction of some play boulders and logs to emphasise the play value of the space. This would provide an integrated approach to play and enable the space to retain its flexible nature and in our opinion would reflect the guidelines provided by the Mayor of London's SPG Providing for children and young people's play and informal recreation."*

On this basis, it is considered that details of the play space and equipment can be secured by way of a planning condition, and therefore that the application is acceptable in this regard.

Overall, the proposed development is considered acceptable in terms of the living conditions of future occupiers, and would meet the policy objectives of the relevant Development Plan policies, subject to the aforementioned planning conditions.

Some of the residential properties proposed would be classified as flats, and therefore would not benefit from Permitted Development rights. As such, any future works (which are considered unlikely given the nature of development) would require planning permission. However, in relation to the proposed dwellinghouses, it is considered prudent to impose a condition restricting Permitted Development such that the impacts of any possible future extensions in terms of neighbouring amenity (and the character of the area), can be fully considered by the Council. Furthermore, notwithstanding the submitted details, precise details of the levels of the building, internal road and footpaths in relation to the adjoining land and highways would be required through a planning condition, to ensure that the development, when carried out, reflects the assumptions made in this assessment having regard to these matters.

Therefore, it is considered that in this highly urbanised environment, where the mix of residential sit side-by-side, in terms of the impacts on the adjacent occupiers, the application is, on balance, acceptable and consistent with The London Plan (2011) policy 7.6B, saved policy D5 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).

## **5) 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.

Paragraph 29 of the NPPF states that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The NPPF maintains a town centre first approach and encourages the development of sites close to good public transport at higher densities. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.

Paragraph 33 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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) sets out maximum parking standards for new development dependant upon their use and level of public transport accessibility.

Core Policy CS1 (Overarching Policy) Q/R/S set out the following:

*Q. The Council will work with Transport for London and other appropriate authorities to secure enhancements to the capacity, accessibility and environmental quality of the transport network in accordance with the Local Investment Plan and to improve orbital connectivity between neighbouring boroughs. Highway investment will focus on junctions with identified existing or future capacity constraints where these support economic development reliability and general operating conditions of buses.*

*R. Parking for new development will be managed to contribute to the delivery of a modal shift from the private car to more sustainable modes. The Development Management Policies DPD will give local interpretation of London Plan parking standards and detail requirements for sustainable Travel Plans.*

*S. Over-development of sites with a low public transport accessibility rating will be resisted. Higher densities will be considered appropriate where the proposal involves the redevelopment of a previously-developed site of strategic significance and can secure improvements to local transport sufficient to enhance the public transport accessibility level of the site.*

Saved policy T6 of the Harrow Unitary Development Plan (2004) requires new development to address the related travel demand arising from the scheme and policy T13 requires new development to comply with the Council's maximum car parking standards.

The Council's Highway Authority has reviewed the application, and confirmed that there is no objection in principle. The following detailed comments have been made:

### **Car Parking**

The total number of on-site parking spaces equates to 90 for the new C3 use which consists of 82 mixed residential units. The overall parking ratio is marginally higher than that proposed at the outline planning permission granted in 2002, however it is considered that a reasonable balance between parking restraint and scheme viability has been achieved given the site's relatively low accessibility level, in public transport terms, of PTAL 2. The level of provision falls within London Plan 2011 parking standards and hence is considered acceptable. It is important to note that the provision of car parking at this level is intended to in part prevent some of the existing parking problems that have been created by an undersupply as part of the previous phases of the development. This philosophy is reinforced by the 2011 revisions to PPG 13 (and reflected in the NPPF) which suggest that a higher level of parking provision for C3 residential uses may be appropriate in order to help to ensure that unfettered and haphazard parking throughout the site area does not arise which otherwise would be of detriment to achieving overall exemplary design aims for this or any comparable application.

On this basis and considering that the level of provision broadly falls within London Plan 2011 parking standards, the final quantum of proposed provision is considered acceptable. A parking management plan would be conditioned as recommend by TfL.

Disabled parking and Electric Charging Point provisions are to fall in line with London Plan 2011 standards and are conditioned accordingly.

The location is not within a CPZ and hence a resident permit restriction cannot be applied as requested by TfL.

The parking bays are arranged in various designs with space allocations within individual plots for houses, private (not to be adopted) 'parallel to kerb' space provisions and some 'courtyard' arrangements serving the flatted elements. The spaces for the latter two provisions will be sold on a demand basis hence new residents who do not own a vehicle will not have automatic allocation thus helping to preserve a parking restraint ethos which is encouraged. This arrangement will be operated and controlled by the site management company. The proposed arrangements are broadly acceptable in design layout and operational terms.

Blue badge disabled bay provision should amount to approximately 5-10 spaces allocated throughout the site and is to be secured accordingly via appropriate condition.

### **Cycle Parking**

There should be a provision of 109 secure spaces to serve the tenure mix in accord with the London Plan 2011. These provisions would be secured by appropriate condition.

### **Traffic Generation (The subsequent analysis below has been undertaken at the outline application stage (1208/12) for the whole of Phase G and hence the comments made also apply to this current detailed application)**

Trip generation from this phase of the development has been appraised and accepted as part of the vetting of the 2002 outline permission. The analysis was based on the net change in traffic generation as compared with the existing and replacement housing units which, in summary, was marginal. However the moderately higher parking provision now proposed is likely to generate some additional vehicular activity and is therefore further considered.

An overall increase of 28 parking spaces is proposed for the 152 units hence as an unrealistic worst case scenario this would result in one additional trip approximately every two minutes into and out of the site area during peak periods (this relates to Phase G as a whole). Considering this is a replacement build and once traffic flow redistribution and reassignment is factored in, the net additional impacts on the highway network are predicted to be minimal and envisaged to be imperceptible as compared to the original outline permission baseline. The proposal is therefore considered acceptable in this respect.

### **Site access/Internal road layout and refuse/servicing arrangements**

Two new vehicular access/egress points would be achieved with one located on the southern boundary (onto Maryatt Avenue) and one on the northern boundary (onto Tranquil Lane). Both access/egress points are considered acceptable in terms of the low quantum of proposed vehicular activity and safety parameters relating to sight-line inter-visibility between motor vehicles and pedestrians.

The main access roads into the site at both entry/exit points would be adopted by the Council post-permission, however all the remaining road space would remain private. In the case of the latter the road space provided is designed to minimal dimensional

specification and as such promotes low vehicular speeds throughout the site. This is welcomed as this supports the proposed Home Zoning ethos which is to be introduced within the unadopted road space in order to encourage pedestrian priority over the motor vehicle. Adequate road space is allocated to allow refuse/service vehicles to traverse through the site without impedance with suitable turning facilities provided at several junctures within the site envelope. Refuse and similar scale vehicles such as fire appliances would enter and leave the site in a forward gear which is the recommended national best practice and is therefore considered a positive improvement to previous below standard access provisions and is thus welcomed.

### **Pedestrian Permeability**

This would now be improved as compared to the original development layout which did not effectively promote pedestrian movements through the site. A green link which forms part of the Council's Green Grid initiative would be introduced between the new green space centred within this phase G and the Newton Farm Ecology park located to the west of the site.

To achieve this connectivity a substantive new footway would run east to west within the site thereby facilitating this pedestrian 'Green Link' connection. In order to complete this link and allow safe movement across Rayners Lane it is proposed to introduce a raised speed table at this juncture. This will allow for the accommodation of additional anticipated footfall permeation as promoted by the Department for Transport approved best practice (Manual for Streets 2007).

### **Proposed highway revisions to Rayners Lane**

In order to facilitate the development footprint on the Rayners Lane frontage it is proposed to remove the mini-roundabout located directly outside the Tithe Farm Social Club. This will allow for the carriageway to be realigned and straightened to accommodate a new footway provision. This reconfiguration allows for a maximisation of the development area which is brought forward onto Rayners Lane beyond current site boundaries and thus gives the opportunity for providing individual on-site parking spaces for several of the housing units fronting this section of Rayners Lane. To facilitate the carriageway and footway realignment/ re-provision, an area of public highway would require 'stopping up' and within this site context is considered acceptable in principle. Statutory processes would commence post-permission.

As the existing mini-roundabout was primarily introduced as a speed reducing feature it's removal and function would be counter-balanced by the provision of a 'bus friendly' speed table with suggested positioning approximately 50 m north of the existing roundabout. This would be supplemented by a similar provision 80 m south which also facilitates the 'Green Link' crossing as outlined under the 'Pedestrian Permeability' appraisal.

The principle of 'bus friendly' speed tables is accepted however adjustment in the proposed positioning is recommended hence 3 tables should be positioned at the following junctions:-

1. Rayners Lane/Tranquil Close.
2. Rayners Lane /'Green Link' crossing.
3. Rayners Lane/Maryatt Avenue

In addition an intermediate table would be provided between locations 1 and 2.

The mini-roundabout at the Rayners Lane junction with Maryatt Avenue will be removed and will revert to a priority junction favouring Rayners Lane.

All the proposed highway works would be executed under a Section 278 (Highways Act 1980) legal agreement at no cost to the Council.

### **Construction Logistics Plan (CLP)**

As for the previous regeneration phases a full CLP will be a requirement to be secured under a planning condition given the site constraints and neighbouring residential area during construction.

### **Travel Plan**

A full residential Travel Plan will be submitted post permission and secured under a S106 agreement.

### **Conclusion**

The concerns raised by TfL are noted. However, it is the view of the Highway Authority that the parking provision is acceptable and has been design in part in response to problems that have been created through the over regulation of car parking in previous phases of the development. Similarly, the works to the public highway are considered acceptable. Other matters would be controlled through the appropriate use of planning conditions. It is therefore concluded that the application is acceptable in transport terms.

## **6) Development and Flood Risk / Contamination**

### **Flood Risk**

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere (para 100). Saved policy EP12 of the Harrow Unitary Development Plan (2004) states that development likely to result in adverse impacts, such as increased risk of flooding, river channel instability or damage to habitats, will be resisted. The reasoned justification (3.47) goes on to state that susceptibility of land to flooding is a material planning consideration.

The site is located within Flood Zone 1 (the least vulnerable zone) and the application represents operational development on greater than 1Ha of land, and as such a comprehensive Flood Risk Assessment (FRA) has been submitted. The Environment Agency (EA) has reviewed the FRA and have raised no objections to the development on this basis, subject to a suitable planning condition.

In conclusion, there are no significant flood risk and associated issues that would be created by way of the proposed development. Planning conditions are recommended in relation to surface water run-off and drainage that would mitigate the effects of the development.

### **Contamination**

The EA have raised no objection to the proposed development, but have recommended a number of planning conditions seeking information regarding contamination assessments etc. The applicant has been made aware of the consultation response, and has not

responded vis-à-vis submission of this information. As such, the conditions are recommended in full.

## **7) Sustainability**

The NPPF advises that when determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption

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 25% 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).

The applicant has submitted an Energy Statement, which explores the various sustainability options for the development and advises of what measures are recommended.

The Energy Statement sets out a three stage approach, where Stage 1 explores the use of passive measures to reduce the energy generation / consumption of the building through 'passive' measures; Stage 2 explores whether the development can support the use of a Combined Heat and Power (CHP) to supply electricity; finally, Stage 3 highlights the various renewable energy sources that be used on the site.

The Energy Statement sets out the following key measures that would be undertaken with the development:

- All dwellings to achieve Level 4 of the Code for Sustainable Homes.
- All passive measures to reduce the carbon emissions are shown in Table 3 and under paragraph 9.4. The fabrics U-value are 'much better' than maximum allowed/recommended values by Building Regulations. In terms of lighting, applicant proposes all low energy lighting, and recommended medium mass type of construction to help with passive cooling. In addition there will be window opening, which assist with passive single/cross ventilation.
- Proposes installing approximately 124kWp (990–1250 sq m) of photovoltaic panels. An initial assessment of the roof level shows there should be about 2500 sq m of south facing roof space which can be used to accommodate the panels.
- Installing approximately 124kWp (990–1250 sq m) of photovoltaic panels will reduce the dwellings' carbon dioxide emission by 23% when compared to the 'Be Lean' dwellings, and 25.20% better than TER.

The proposed sustainability measures are considered acceptable, taking into account the overall carbon dioxide savings that they would (subject to confirmation) achieve in

relation The London Plan (2011) requirements. To ensure compliance with the above planning policies, it is recommended that a planning condition is imposed to address sustainability matters and ensure that the development will achieve the appropriate level to meet the Code for Sustainable Homes standards.

### **8) S17 Crime & Disorder Act**

Policy D4 of the Harrow Unitary Development Plan (2004) advises that crime prevention should be integral to the initial design process of a scheme. Policy 7.3 of The London Plan (2011) seeks to ensure that developments should address security issues and provide safe and secure environments.

The application would lead to the redevelopment of a large area of vacant flats, which can often be a magnet for antisocial behaviour. As such, the application is welcomed from this point of view. In addition to this, the development would lead to 82 private residential units, in an area where there are high levels of social housing. This development therefore would lead to the rebalancing of the mix of tenures that in the area.

### **9) Planning Obligations**

Policies 8.1 and 8.2 of The London Plan (2011) seek to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the development. Developers will be expected to meet the full cost of facilities required as a consequence of development and to contribute to resolving deficiencies where these would be made worse by development.

A payment or other benefit offered pursuant to a Section 106 Agreement cannot be required unless it complies with the provisions of the Community Infrastructure Levy Regulations 2010 (Regulation 122), which provide that the planning obligation must be:

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

The NPPF provides further amplification on the Government's position regarding the use of planning obligations, setting out the same tests as above, and advising that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

Members should note that Section 143 of the Localism Act (2011) came into force on the 15/01/2012, and introduces 'local finance considerations' as a material consideration in planning decisions. A local finance consideration is defined as "grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown".

The original outline application included a Section 106 for the whole site that included provisions for affordable housing, open space, lifetime homes, community building, phasing and completion, cost recovery, training and employment, transport measures, construction access, flooding, compulsory purchase and s.38 and s.278 agreements. A further Deed of Variation was entered into to control the amendments made to the masterplan in 2008 (the deed was actually signed in 2010).

Given that financial contributions have already been agreed in relation to the overall

delivery of the housing numbers for the site, that the open space on this part of the site would not be public adopted (it would be maintained by a management company), and that no affordable housing is being provided in this phase, it is considered that a Section 106 Agreement is not required, and therefore the application is consistent with the requirements of polices 8.1 and 8.2 of The London Plan (2011) and Core Policy CS1 (Overarching Policy) Z and AA.

### **10) Impact on Health and Wellbeing**

The proposed development is to be constructed to Lifetimes Homes standard and provides modern, spacious accommodation with acceptable levels of daylight and open space. The development, particularly through the provision of affordable new homes, would enable some of those residents in housing need within the borough to be appropriately housed. The construction and operation of the site would provide opportunities for the development of skills. Insofar as the development has impacts upon surrounding properties, these are not considered to result in serious or adverse implications on the occupants' health and wellbeing.

### **11) Consultation responses**

N/A

### **12) CONCLUSION**

As the final phase of the wider site redevelopment, the proposed development would contribute to the regeneration of the Rayners Lane Estate through replacement of existing poor quality housing stock. The proposal would deliver a mix of small family houses and a number of one and two bedroom apartments to address the specific housing needs of the Rayners Lane Estate, in accordance with the National Planning Policy Framework, The London Plan (2011), Harrow's Core Strategy (2012) and Unitary Development Plan (2004). The proposed development would provide a modern contemporary design that responds appropriately to the local context, and would provide appropriate living conditions for the future occupiers of the development. Given the layout of the proposed development and separation to shared boundaries, the impact upon residential amenity in surrounding areas is considered to be acceptable.

Officers consider that for the reasons above and having regard to all of the material submitted, the representations received and the national and Local "Development Plan" context, the application can be recommended positively for approval subject to a suite of planning conditions.

### **CONDITIONS**

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

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

2 Notwithstanding the submitted details, prior to the commencement of construction of each of the buildings, details of the external materials of the building and its immediate surroundings (including balcony details, window openings, rainwater pipes and roof edges) shall be submitted to, and approved in writing by, the local planning authority. The details shall include, samples of materials, scale 1:20 drawings, and other such information as may be required.

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

REASON: To safeguard the appearance of the locality in accordance with The London Plan Policy 7.4 and Policy D4 of the Harrow Unitary Development Plan (2004).

3 Notwithstanding the submitted details, the development hereby permitted shall not commence until details of the ground surfacing and the boundary treatment of the site have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality in accordance with The London Plan Policy 7.4 and Policy D4 of the Harrow Unitary Development Plan (2004).

4 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works, including details of on site play equipment. 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 accordance with Policies D4 and D9 of the Harrow Unitary Development Plan (2004).

5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the 5 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 Policies D4 and D9 of the Harrow Unitary Development Plan (2004).

6 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 Policy D4 of the Harrow Unitary Development Plan (2004).

7 Notwithstanding the submitted details, before the first occupation of the building hereby permitted, details of the facilities for the secure parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority, provided prior to the development being first occupied and retained thereafter.

REASON: To ensure the delivery of a sustainable development which seeks to minimise travel by private car in accordance with the NPPF and Policies D4 and T6 of the Harrow Unitary Development Plan (2004).

8 No goods, materials, plant or machinery shall be stored within the car park of the approved development without the prior written permission of the Local planning authority.



REASON: In the interests of amenity and to ensure that the areas dedicated for parking and servicing and landscaping within the site are retained, in accordance with saved policies D4 and T6 of the Harrow Unitary Development Plan (2004).

9 Before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of Level 4 of the Code for Sustainable Homes (or successor) for the residential units, which includes details of siting, design and noise levels of any equipment, the reduction of baseline CO<sub>2</sub> emissions by 20%, and mechanisms for independent post-construction assessment, shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken for each phase demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with the NPPF, Policies 5.1, 5.3A, 5.7B, 5.9B/C, 5.10C and 5.11A of The London Plan (2011), saved Policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document Sustainable Building Design (2009).

10 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- 1) Details of how surface water for the site will be restricted to the agreed discharge rate of 13 l/s during the design storm event including an allowance for climate change.
- 2) Details showing how Sustainable Drainage Systems have been maximised on site including the use of permeable paving and green roofs.

REASON: To prevent the increased risk of flooding in accordance with the objectives set out under saved policy EP12 of the Harrow Unitary Development Plan (2004).

11 No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: 1) A preliminary risk assessment which has identified: - all previous uses; - potential contaminants associated with those uses; - a conceptual model of the site indicating sources, pathways and receptors; - potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect the sensitive groundwater beneath the site, in light of the soil

contamination revealed. Points 1-3 above have been satisfied by the Geoenvironmental Report Phase 2 Investigation that was submitted with this application in accordance with Policy EP22 of the Harrow Unitary Development Plan (2004).

12 No infiltration of surface water drainage into the ground at the proposed site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approval details.

REASON: The contamination report indicated the presence of contamination in the Made Ground at the site; any infiltration could flush contamination into the groundwater beneath the site, in accordance with Policy EP22 of the Harrow Unitary Development Plan (2004).

13 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To protect the sensitive groundwater beneath the site, in light of the soil contamination revealed in accordance with Policy EP22 of the Harrow Unitary Development Plan (2004).

14 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: There is evidence of soil contamination at the site. Excavation works could reveal previously undiscovered contamination that need to be properly dealt with to limit risk to the sensitive groundwater beneath the site in accordance with Policy EP22 of the Harrow Unitary Development Plan (2004).

15 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To ensure that pathways are not created by penetrative methods, allowing contaminants to leach into the sensitive groundwater beneath the site in accordance with Policy EP22 of the Harrow Unitary Development Plan (2004).

16 A Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition taking place on the site and the demolition of the buildings and structures on the site shall be carried out in accordance with the approved Demolition 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

D4, T6 and EM25 of the Harrow Unitary Development Plan (2004).

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

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

REASON: To manage the impact of the development upon the local area during its construction in the interests of public amenity and the local natural environment in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

18 No development shall take place, including any works of demolition, until a Construction Logistics Plan (CLP) has been submitted to, and approved in writing by, the local planning authority. The approved CLP shall be adhered to throughout the construction period.

REASON: To manage the impact of the development in terms of the traffic movements upon the local area during its construction in the interests of public amenity and the local natural environment in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

19 The 82 homes in this development, as detailed in the submitted and approved drawings, shall be built to Lifetime Home Standards, and thereafter retained to those standards. A minimum of 10% (8) of the dwellings shall be built to Wheelchair Homes Standards.

REASON: To ensure provision of 'Lifetime Home' / Wheelchair' standard housing in accordance with policies 3.8 and 7.2 of The London Plan (2011), Harrow Core Policy CS1 (Overarching Policy) K and Saved Policies D4 and C16 of the Harrow Unitary Development Plan (2004).

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

REASON: To safeguard the appearance of the locality in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

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

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

2. all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy D4 of the Harrow Unitary Development Plan (2004), and Section 17 of the Crime & Disorder Act 1998

22 Prior to the substantial completion of the approved buildings, details of a strategy for the provision of communal facilities for television reception (eg. Aerials, dishes and other such equipment) shall be submitted to and approved by the Local Planning Authority. Such details to include the specific size and location of all equipment. The approved details shall be implemented prior to first occupation of the building and shall be retained thereafter and no other television reception equipment shall be introduced onto the walls or roof of the approved building without the prior written approval of the Local Planning Authority. Notwithstanding the provisions of the Part 25 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 other television reception equipment shall be introduced onto the walls or roof of the approved building without the prior written approval of the Local Planning Authority.

REASON: In order to prevent the proliferation of individual television reception items on the building to the detriment of the visual amenity of the area in accordance with saved Policy D4 of the Harrow Unitary Development Plan (2004).

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

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and to safeguard the amenity of neighbouring residents, in accordance with saved Policies D4 and D5 of the Harrow Unitary Development Plan (2004).

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

D\_105 Site Location Plan Rev P2, D\_110 Existing Site Plan Rev P2, D\_111 Existing Underground Services Rev P2, D\_115 Proposed Site Plan - Masterplan Rev P2, D\_116 Phasing Plan Rev P2, D\_117 Building Heights Rev P2, D\_118 Dwelling Types Rev P3, D\_120 Phase 1 And 2 Site Plan Rev P3, D\_130 Street Elevations Sheet 1 Rev P3, D\_131 Street Elevations Sheet 2 Rev P3, D\_132 Street Elevations Sheet 3 Rev P3, D\_133 Street Elevations Sheet 4 Rev P3, D\_134 Street Elevations Sheet 5 Rev P3, D\_135 Street Elevations Sheet 6 Rev P3, D\_140 North And East Elevation Rev P2, D\_141 South And West Elevation Rev P2, D\_040 Block 1 Ga Rev P11, D\_041 Block 2 Ga Rev P10, D\_042 Block 3 Ga Rev P10, L\_910 Landscape Layout - Colour Rev P1, L\_911 Landscape Layout - Hardworks Rev P1, L\_912 Landscape Layout - Softworks Rev P1, L\_913 Section A-A Rev P1, L\_914 Section B-B Rev P1, L\_915 Section C-C Rev P1, L\_916 Section D-D Rev P1, L\_917 section E-E Rev P1, Design And Access Statement, Arboricultural Report, Arboricultural Method Statement, Arboricultural Implications Assessment, Construction Management Plan, Daylight And Sunlight Report, E/2969/100 Rev P2, E/2435/071 (Drainage Plan, Flood Risk Assessment), Land Contamination

Assessment, Sustainability Statement Report, Energy Strategy Report, Code Pre-Assessment Report, Code For Sustainable Homes Assessment Ecology Report, Road Safety Audit, Transport Assessment, 12464/T&S Topographic And Services Plan  
REASON: For the avoidance of doubt and in the interests of proper planning.

## **INFORMATIVES**

### **1 REASON FOR GRANT OF PLANNING PERMISSION**

As part of the final phase of the wider site redevelopment, the proposed development would contribute to the regeneration of the Rayners Lane Estate through replacement of existing poor quality housing stock. The proposal would deliver a mix of small family houses and a number of one and two bedroom apartments to address the specific housing needs of the Rayners Lane Estate, in accordance with the National Planning Policy Framework, The London Plan (2011), Harrow's Core Strategy (2012) and Unitary Development Plan (2004). The proposed development would provide a modern contemporary design that responds appropriately to the local context, and would provide appropriate living conditions for the future occupiers of the development. Given the layout of the proposed development and separation to shared boundaries, the impact upon residential amenity in surrounding areas is considered to be acceptable.

The following policies are relevant to this decision:

### **National Planning Policy Framework 2012**

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

- 2.7 – Outer London: Economy
- 3.1 – Ensuring equal life chances for all
- 3.3 – Increasing housing supply
- 3.4 – Optimising housing potential
- 3.5 – Quality and design of housing developments
- 3.8 – Housing Choice
- 3.9 – Mixed and balanced communities
- 3.11 – Affordable Housing Targets
- 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 4.12 – Improving Opportunities for all
- 5.1 – Climate change mitigation
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.7 – Renewal energy
- 5.9 – Overheating and cooling
- 5.10 – Urban greening
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 6.1 – Strategic approach
- 6.2 – Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.10 – Walking
- 6.13 – Parking
- 7.1 – Building London's neighbourhoods and communities
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character

- 7.6 – Architecture
- 7.7 – Location and design of tall and large buildings
- 7.13 – Safety, security and resilience to emergency
- 7.14 – Improving air quality
- 7.15 – Reducing noise and enhancing soundscapes
- 8.1 – Implementation
- 8.2 – Planning obligations

**Harrow Core Strategy (2012)**

- CS1 B/C/D/E Local Character
- CS1 G Open Space, Sport and Recreation
- CS1 H/I/J/K Housing
- CS1 N/O/P Economic Development and Employment
- CS1 Q/R/S Transport
- CS1 T Responding to Climate Change
- CS1 U Sustainable Flood Risk Management
- CS 1X Sustainable Waste Management
- CS 1 Z/AA/AB Infrastructure

**Harrow Unitary Development Plan (2004):**

- S1 – The Form of Development and Pattern of Land Use
- SEM1 – Development and the Boroughs Regeneration Strategy
- D4 – The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy
- D9 – Streetside Greenness and Forecourt Greenery
- D23 – Lighting
- H7 – Dwelling Mix
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- EP12 – Control of Surface Water Run-Off
- EP25 – Noise
- C16 – Access to Buildings and Public Spaces
- C17 – Access to Leisure, Recreation, Community and Retail Facilities

**Other Relevant Guidance:**

- Supplementary Planning Document: Residential Design Guide (2010)
- Supplementary Planning Document: Accessible Homes (2010)
- Supplementary Planning Document Sustainable Building Design (2009)
- Supplementary Planning Document: Access for All (2006)
- Code of Practice: Refuse Storage and Collection of Domestic Refuse (2008)

2 Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of £237,125 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and Section 211 of the Planning Act 2008.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL). Your proposal is subject to a CIL Liability Notice indicating a levy of £237,125 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 6,775 sqm

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

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

### 3 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.

### 4 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)

### 5 THAMES WATER:

There may be public sewers crossing / adjacent to the site, so any building within 3m of the sewers will require an agreement with Thames Water Utilities. The applicant should contact the Area Service Manager, Mogden, at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure. Tel: 0645 200 800

### 6 PERMEABLE PAVING:

Note: guidance on permeable paving has now been published by the Environment Agency on

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

### 7 ENVIRONMENT AGENCY NOTE:

This development is located within an area of serious water stress due to limited water resources in the local area and high and growing demand for water. We therefore suggest you investigate the use of water efficiency measures and aim to achieve 105 litres/head/day (l/h/d), equivalent to level 3/4 for water within the Code for Sustainable Homes.

Achieving a water efficiency standard of 105l/h/d within new homes can be accomplished at very little extra cost (under £125 extra per home<sup>1</sup>[1]) and typically only involves low/dual flush toilets, low flow/aerated taps and showerheads and efficient appliances (dishwasher and washing machines) and does not require more expensive rain or greywater technologies. The Government's 'Water Calculator' provides information on

how to achieve and assess water efficiency within new homes:  
[http://www.planningportal.gov.uk/uploads/br/water\\_efficiency\\_calculator.pdf](http://www.planningportal.gov.uk/uploads/br/water_efficiency_calculator.pdf)

1[1] London's draft Water Strategy, GLA, 2009

<http://legacy.london.gov.uk/mayor/environment/water/docs/draft-water-strategy.pdf>

## 8 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.

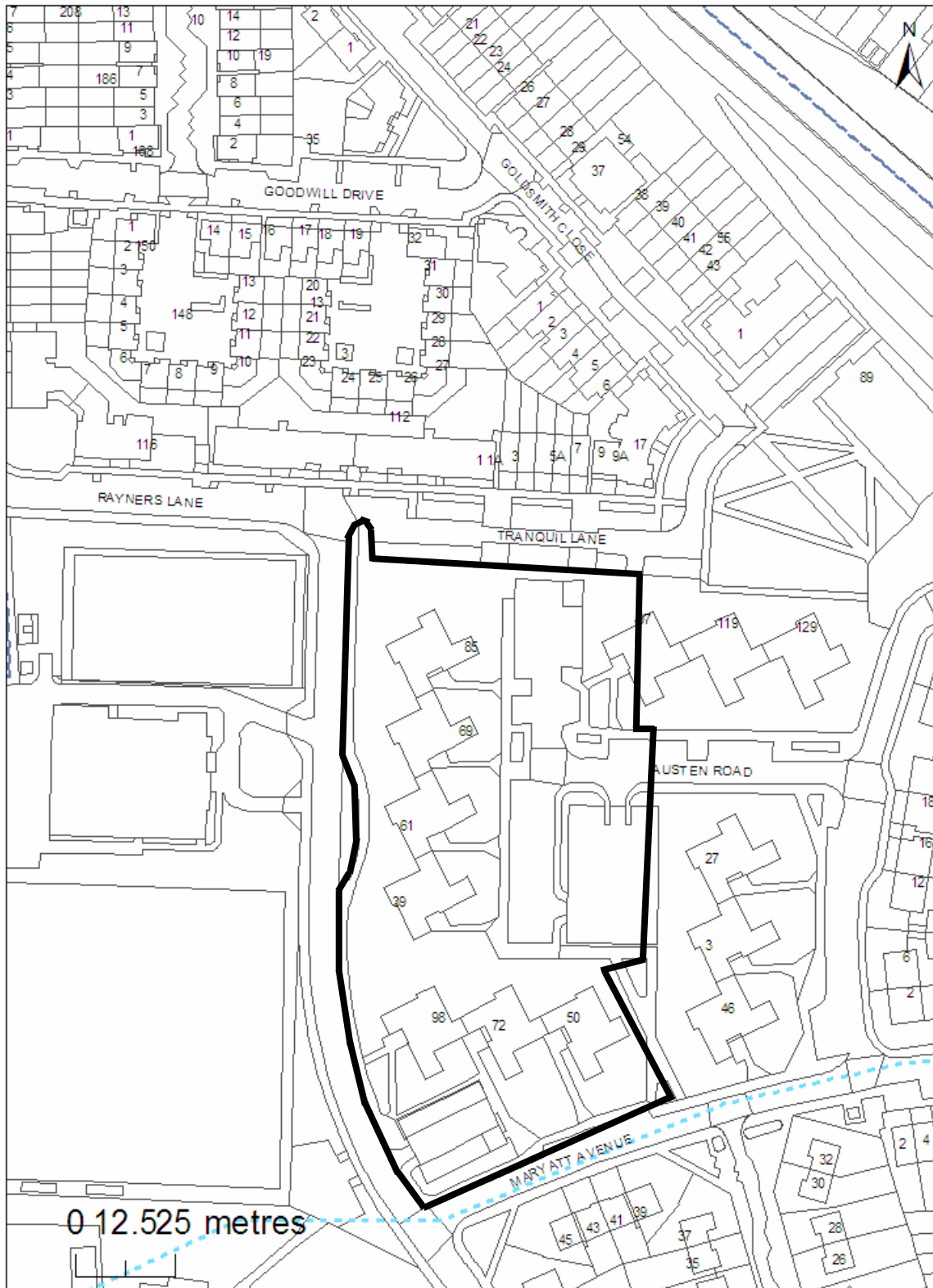
- Beginning development in breach of a planning condition will invalidate your planning permission.

- 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.

Plan Nos: D\_105 Site Location Plan Rev P2, D\_110 Existing Site Plan Rev P2, D\_111 Existing Underground Services Rev P2, D\_115 Proposed Site Plan - Masterplan Rev P2, D\_116 Phasing Plan Rev P2, D\_117 Building Heights Rev P2, D\_118 Dwelling Types Rev P3, D\_120 Phase 1 And 2 Site Plan Rev P3, D\_130 Street Elevations Sheet 1 Rev P3, D\_131 Street Elevations Sheet 2 Rev P3, D\_132 Street Elevations Sheet 3 Rev P3, D\_133 Street Elevations Sheet 4 Rev P3, D\_134 Street Elevations Sheet 5 Rev P3, D\_135 Street Elevations Sheet 6 Rev P3, D\_140 North And East Elevation Rev P2, D\_141 South And West Elevation Rev P2, D\_040 Block 1 Ga Rev P11, D\_041 Block 2 Ga Rev P10, D\_042 Block 3 Ga Rev P10, L\_910 Landscape Layout - Colour Rev P1, L\_911 Landscape Layout - Hardworks Rev P1, L\_912 Landscape Layout - Softworks Rev P1, L\_913 Section A-A Rev P1, L\_914 Section B-B Rev P1, L\_915 Section C-C Rev P1, L\_916 Section D-D Rev P1, L\_917section E-E Rev P1, Design And Access Statement, Arboricultural Report, Arboricultural Method Statement, Arboricultural Implications Assessment, Construction Management Plan, Daylight And Sunlight Report, E/2969/100 Rev P2, E/2435/071 (Drainage Plan, Flood Risk Assessment), Land Contamination Assessment, Sustainability Statement Report, Energy Strategy Report, Code Pre-Assessment Report, Code For Sustainable Homes Assessment Ecology Report, Road Safety Audit, Transport Assessment, 12464/T&S Topographic And Services Plan



# 1 ELIOT DRIVE, HARROW



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Item No. 1/02  
Address: 354 - 356 PINNER ROAD, HARROW  
Reference: P/1891/12  
Description: CHANGE OF USE FROM RETAIL TO GYM/HEALTH AND FITNESS CENTRE (USE CLASS A1 TO USE CLASS D2)  
Ward: HEADSTONE NORTH  
Applicant: THE GYM LTD  
Agent: CGMS CONSULTING  
Case Officer: GERARD LIVETT  
Expiry Date: 08/10/2012

## **RECOMMENDATION**

**GRANT** planning permission subject to conditions:

## **REASON**

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework, the policies of The London Plan 2011, the Harrow Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan 2004 (listed in the informatives), as well as to all relevant material considerations including any responses to consultation. The proposal would bring a significant portion of the primary retail frontage of North Harrow Town Centre into active use which would assist in the revitalisation of the North Harrow Town Centre.

## **INFORMATION**

The application is reported to the Planning Committee because the proposal represents a departure from the Development Plan and excluded by Proviso D of the Scheme of Delegation. In addition, the proposal is for the change of use of more than 400m<sup>2</sup> of floorspace which is outside the scope of category 1(e) of the Scheme of Delegation.

**Statutory Return Type:** Smallscale Major, all other

**Council Interest:** None

**Gross Floorspace:** 1231 sqm

**Net additional Floorspace:** 223 sqm

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** £43,085

## **Site Description**

- The application site is a three to six- storey building with frontages on both Pinner

Road and Station Road, North Harrow and provides 112 flats, a single retail unit (currently vacant), community facilities and parking

- The substantial development has been completed and the flats are occupied. An application to vary the s.106 Agreement regarding the affordable housing tenancy types is currently being processed.

### **Proposal Details**

- The application proposes the change of use of the ground floor of the premises, which is currently three vacant retail units (Use Class A1) to a Health and Fitness Club / Gymnasium (Use Class D2)
- The proposal is for the premises to be open twenty-four hours a day, seven days a week
- The proposal includes the provision of a mezzanine floor with an area of 223m<sup>2</sup>, although this mezzanine floor does not require planning permission.

### **Revisions to Previous Application**

Following the previous decision (P/3481/11) the following amendments have been made:

- Change of use to gym proposed.

### **Relevant History**

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

Granted – 19-Oct-2006

P/0352/08/DVA – Variation of condition 3 of planning permission P/2247/04/CFU

Granted – 10-Mar-2008

(Allowed for phased occupation of the development)

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

Granted – 24-Jul-2008

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

Awaiting completion of Agreement

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

Granted – 20-Apr-2012

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

- None

### **Applicant Submission Documents**

- Planning Statement: Retail units have never been occupied. Site is in an accessible location and it is anticipated that many users will live or work nearby. No external changes are proposed. Gym operations include cardio-vascular activities and resistance equipment for individual use. No studios or dance floor areas will be provided. Music will be limited to provide low-level background music only. Local

Development Order reduces the weight of policy EM16. Draft Development Management DPD proposes reclassifying the frontage to secondary. Many retailers have been approached to occupy the retail units. Noise mitigation measures would be used. Access to gym would be restricted to members only between 8pm and 8am.

### **Consultations**

Headstone Residents' Association: While we welcome the site being occupied and believe the gym would improve the attractions, we have some concerns. We note the area is at risk from flooding and are not aware of a Flood Risk Assessment. We have concerns about the proposed twenty-four hour opening and consider that noise mitigation should be provided. There may be requests from other local businesses to increase their opening hours. Will there be a café on site? Is any section 106 money available to protect the amenities of residents?

North Harrow Town Centre Manager: Support the proposal

Highways Authority: No objection

Environmental Health: There is a concern regarding the transference of noise to any residential premises. If permission is granted, the applicant should supply a full acoustic report detailing sound insulation details of the construction and a full layout of audio visual equipment and a compliance certificate for the level in which the music limiters are to be played.

### **Advertisement**

Major Development / Departure from the Development Plan

Expiry: 16-Aug-2012

### **Notifications**

Sent: 165

Replies: 4

Expiry: 14-Aug-2012

### **Addresses Consulted**

Yeoman Court (above application site): Flats 1-10; Duke Court (above application site): Flats 1-27; Savoy Court (above application site): Flats 1-37; Utopia Court Flats 1-10

Pinner Road: 326-350 (even, including flats), 368-370, 370, 372-386 (even, including flats), 369, 435, 435a

Broadway Parade: 1-9 (including flats above)

Broadwalk, Pinner Road: 17-28 (including flats above)

Canterbury Road: Flats 1-17 Patience Court

Station Road North Harrow: Service Station, North Harrow Assembly Hall, 11, 27-49 (odd, including flats); 40-50 (even, including flats)

Gloucester Road: 42-44 (even)

### **Summary of Responses**

- Objections: Potential for significant noise disturbance to occupiers of upper flats; Premises should be retained for retail as it is a key site for the rejuvenation of Harrow Town Centre. Hours of use should be restricted. Area is over-supplied by gyms. A more suitable alternative would be to convert the premises to residential.
- Support: One representation supporting the proposal has been received

### **APPRAISAL**

The Government has issued a National Planning Policy Framework [NPPF] that consolidates national planning policy. This has been considered in relation to this

application. This application has been considered in the light of the NPPF, The London Plan, the Harrow Core Strategy and the saved policies of the Harrow Unitary Development Plan, and other material considerations,

## **MAIN CONSIDERATIONS**

- 1) Principle of the Development
- 2) Character and Appearance of the Area
- 3) Residential Amenity
- 4) Traffic and Parking
- 5) Development and Flood Risk
- 6) Accessibility
- 7) S17 Crime & Disorder Act
- 8) Planning Obligations
- 9) Consultation Responses

### **Legal Commentary**

It is noted that the original planning permission (P/2447/04/CFU) for the development was accompanied by an Agreement under section 106 of the Town and Country Planning Act 1990.

This Agreement relates to affordable housing, the Controlled Parking Zone, a Travel Plan, Community Facilities, the Pinner Road public car park and the parking lay-by in Pinner Road.

The Agreement does not have any obligations relating to the supermarket itself, and there is no need to amend the s.106 Agreement.

#### **1) Principle of the Development**

Section 38(6) of the Planning and Compulsory Purchase Act requires that applications for planning permission, unless material considerations allow otherwise.

The National Planning Policy Framework [NPPF] has a presumption in favour of sustainable development and for applications to be determined in accordance with the development plan, unless the development plan is silent, absent or the relevant policies are out-of-date.

The development plan for Harrow comprises The London Plan, the Harrow Core Strategy and the saved policies of the Harrow Unitary Development Plan (UDP). The policies in the development plan are considered to be up-to-date.

Paragraphs 18-22 of the NPPF require local authorities to plan for building a strong, competitive economy and paragraphs 23-27 seek to ensure the vitality of town centres.

In this case, the proposed change of use would be contrary to saved policy EM16 of the Harrow UDP. This policy allows for the limited change of use of shops in Primary Shopping Frontages to uses in Use Classes A2 and A3, but states that non Class A uses will not be permitted in primary frontages.

On the basis of this policy, the recommendation that this application be granted would represent a departure from the development plan.

However, it is considered that there are a number of material considerations that support

the recommendation.

Over the past few years, the North Harrow District Centre has suffered from a decline in vitality and has a significant vacancy rate. In June 2012, 19.13% of the primary frontage and 10.56% of the secondary frontage (by length) was vacant – representing 13.77% in the town centre as a whole (excluding non-designated frontages). A significant proportion of this vacancy (6.65% of the primary frontage) is accounted for by the application site.

To address the decline of the Centre, the Council has appointed a Town Centre Manager who is actively implementing measures to attract new business to the centre. In addition, the Council has adopted a Local Development Order (LDO), which permits the change of use of vacant shops to other economic uses without the need for planning permission. In this case, the LDO would permit a change of use to A2 (financial and professional services), A3 (restaurant) or B1(a) (general office). Because of the area of the unit, the premises could not be used for D1 (non-residential institutions) without the need for planning permission.

The large retail unit at the application site, which has been empty since the completion of the development, was originally intended to be a replacement of the then vacant supermarket that formerly occupied the site (along with a bowling alley). Part of the reason why the retail unit has been vacant until now relates to legal rights of access to the site, which were not resolved until November 2011.

The current size of the retail unit, at 1,008m<sup>2</sup>, makes it difficult to let for a number of reasons. The retail unit has no dedicated parking, which is seen as desirable in large-scale retail developments. The servicing arrangements, which are via a service yard accessed from Station Road, cannot accommodate full sized articulated trucks. The retail unit also faces competition from other supermarkets in the borough, including the development at Neptune Point that is currently under construction, and the recently opened supermarket with car park in the former Apollo public house.

The owners of the site have been attempting to let the site as a single unit since November, and as three units since March, without success.

The change of use to a health and fitness club / gymnasium would introduce an active use to this vacant site. It is considered that the use would have effects in the wider area, with gym clients potentially spending money in local shops, cafes and restaurants. Furthermore, the use would provide employment. Given the nature of the proposed employment, it is likely that some, if not all, of the jobs created would be done by local people.

The approach of supporting economic development in town centres outlined in the NPPF is supported by policies in The London Plan, notably policies 2.7, 2.15, 4.1 and 4.7, which seek to support and enhance opportunities for economic growth in outer London and in established town centres. The overarching aims of promoting sustainable economic growth and enhancing town centres is supported by policies CS1 (A and L) and CS5 (D) of the recently adopted Harrow Core Strategy and saved policy EM24 of the Harrow Unitary Development Plan.

In addition, the emerging Development Management Policies Development Plan Document, which is at the consultation stage until September 7, envisions the reclassification of the site from Primary to Secondary frontage. Draft policy 48 of that

document would allow, in certain circumstances, the use of ground floor premises for purposes that are appropriate for a town centre and primarily for visiting members of the public.

These considerations, in terms of enabling economic development and supporting the vitality of the town centre are considered sufficient to justify a departure from saved policy EM16 of the UDP in this case.

Notwithstanding this, it is recognised that other uses within Use Class D2 (assembly and leisure) may not be appropriate for this site. It is therefore recommended that a condition restricting the use to that stated on the application form be added to allow for any proposal for an alternative use to be determined on its merits.

It is noted that the proposal includes the provision of a Mezzanine Floor. Given that the mezzanine would be provided in premises within Use Class D2, the mezzanine is excluded from the definition of development in section 55 of the Town and Country Planning Act 1990 (as amended). Planning permission for the mezzanine would be required if the premises were being used for retail purposes.

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

Saved policies D4, D7 and D25 (relating to retail areas and shopfronts) of the Harrow Unitary Development Plan, which support design policies CS1.E in the Core Strategy and policies 7.4B, 7.5B and 7.6B in The London Plan, require that all development proposals should have high standards of design and layout.

In this case, no external alterations are proposed, with planning permission having been granted for shopfronts on 20 April 2012 under reference P/3481/11.

Notwithstanding this, it is considered that a shopfront or window display that is appropriate to the town centre environment should be provided to avoid a long stretch of blank frontage at the site. This approach is supported by saved policy EM17 of the UDP and draft policy 48 of the emerging Development Management Policies.

It is therefore recommended that a condition requiring details of the window display to be submitted and approved, and for the approved display to be implemented, be added to the permission.

## **3) Residential Amenity**

The use of the premises for retail purposes has been anticipated and adequate sound insulation between the commercial and residential floors has been installed in accordance with the Building Regulations.

Notwithstanding this, it is recognised that use as a Gym represents a materially different use that has the potential to generate noise disturbance for occupiers of the flats above. However, it is also recognised that alternative uses that could be permitted by the Local Development Order (Use Classes A2, A3 and B1) would be restricted to operating between the hours of 08:00 and 22:00.

The potential for disturbance is exacerbated by the proposal to operate the gym for twenty-four hours a day, which is considerably more than the hours of operation that could be permitted by the LDO. It is noted that late night use of the premises is unlikely to be significant. The applicant has similar operations in other locations in premises with

residential flats above. Enquiries of other local planning authorities with similar arrangements have not revealed any noise-related complaints.

It is recognised that a recommendation to grant permission for the 24 hours requested may be regarded as controversial. Information supplied by the applicants indicates that less than 5% of visitors at their other sites attend between the hours of midnight and six a.m.

The Council's Environmental Protection department has been consulted and would require that conditions be used to limit the potential of transmission of noise and vibration from the premises. The Environmental Protection department has no concern that, subject to suitable noise mitigation, the twenty-four hour operation would be prejudicial to the interests of the upper flats.

A site visit to another gym operated by the applicants, at 41 Fortune Green Road, West Hampstead, indicated that no group activities take place at the premises and that there was no significant level of amplified music. It was noted that the area in which free weights are used had a protective floor covering that minimised the potential for noise should a weight be dropped.

It was noted on site that there was an element of noise generated by the amplified music, the use of equipment and people talking. This level of noise is commensurate to that that could be generated by a retail unit and is contained by the sound insulation between the gym space and the floor above. Although the floor above the West Hampstead gym is not residential (the gym is in the basement), no noise could be heard while on the floor above.

It is therefore recommended that suitable conditions regarding noise generation and sound attenuation be added, in accordance with policy 7.15 of The London Plan and saved policy EP25 of the UDP, in order to safeguard the residential amenities of the occupiers of the flats.

#### **4) Traffic and Parking**

The application site has no dedicated car parking associated with the ground floor unit. However, there is sufficient car parking, both with on street pay and display bays and the North Harrow car park, in the vicinity to adequately service the retail units. Furthermore, the site is in an area with good public transport links.

The area is also in a highly residential area, and it is anticipated that many trips are likely to be on foot and are likely to be absorbed within linked trips to the site given the existing shopping attractions in North Harrow.

There have been concerns that noise disturbance may result from vehicular traffic attending the site. There is no on-site parking that would be available for the proposed gym, and the supermarket development was intended to rely on the North Harrow Car Park and other on-street parking facilities.

On balance, it is considered that the proposal would comply with saved policies T6, T13 and T15 of the Harrow Unitary Development Plan (2004).

#### **5) Development and Flood Risk**

The proposal would not increase the built form of the development on the site. With the



grant of planning permission for the original development, it was noted that suitable and adequate drainage had been provided, and that suitable protection for the western culverted arm of the Yeading Brook had been provided.

As the proposed development would represent a change of use within the 'less vulnerable' categories of development with regard to flood risk, no Flood Risk Assessment is required.

It is therefore considered that the proposal would have no impact on flood risk in the area, in accordance with paragraphs 100 and 103 of the NPPF, policy 5.12 of The London Plan (2011), Core Strategy policy CS1.U and W and saved policy EP12 of the UDP.

Notwithstanding the above, it is recommended that the premises should have evacuation procedures in place in the event of flooding. Given that the fronts of the premises are above the modelled flood level, this would be the most suitable means of egress.

An informative recommending that the occupiers of the unit put flood emergency plans in place is suggested.

## **6) Accessibility**

Planning permission for the provision of steps and a platform at the front of the site has been granted and this would provide level access to the site.

The proposal would therefore comply with The London Plan policy 7.2(c), saved policy C17 of the UDP and Supplementary Planning Document: Access for All (2006).

## **7) S17 Crime & Disorder Act**

The proposal would assist in bringing the vacant unit into use, which would increase general activity at the area and increase natural surveillance in the area. This is considered to have a general beneficial impact with respect to crime and disorder.

## **8) Planning Obligations**

The planning obligation attached to the original grant of planning permission (P/2447/04/CFU), which is currently being amended, related to the provision of affordable housing at the development, travel and parking arrangements and community facilities.

The obligation referred to the provision of a supermarket. The wording of the obligation does not require the supermarket to be retained.

This current application would have no impact on that planning obligation.

## **9) Consultation Responses**

Potential for significant noise disturbance to occupiers of upper flats – *this has been addressed in the Residential Amenity section of the appraisal and by way of a suitable condition*

Premises should be retained for retail as it is a key site for the rejuvenation of Harrow Town Centre – *Site has been extensively marketed for retail, and it is considered that an active use would be more beneficial than an empty retail unit*

Hours of use should be restricted – *the hours of use form part of the application. Whilst a condition restricting the hours of operation could be attached, for the reasons provided in section 3 in the above assessment, it is not considered that such a condition is*

*necessary. It is considered that the late night use would be minimal and any noise and disturbance would not be so significant as to warrant refusal in this case.*

*Area is over-supplied by gyms – the application needs to be assessed on its merits, and the planning system cannot be used to prevent competition between developers.*

*A more suitable alternative would be to convert the premises to residential – this is a town centre location in a designated shopping frontage, and therefore an economic use of the ground floor should be provided.*

*No Flood Risk Assessment has been provided – the application does not require a Flood Risk Assessment*

*There may be requests from other local businesses to increase their opening hours – any such application would be assessed on its merits*

*Will there be a café on site? – No café is indicated on the plans. A site visit to the West Hampstead branch indicated that a vending machine and water fountain are provided.*

*Is any section 106 money available to protect the amenities of residents – the s.106 Agreement related to the original development. It is considered that compliance with the recommended conditions is sufficient to safeguard the amenities of neighbouring residents*

## **CONCLUSION**

The proposal would bring a significant portion of the primary retail frontage of North Harrow Town Centre into active use which would assist in the revitalisation of the North Harrow Town Centre.

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:

Site Plan; Z358-01-001; Z358-01-101; Planning Statement

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

3 The premises shall be used for the purpose specified in the application 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 the character of the locality, to safeguard the character and viability of the shopping parade and in the interests of highway safety, as required by policy 2.15 of The London Plan and saved policies EM16, D4, T6 and EP25 of the Harrow Unitary Development Plan (2004).

4 The use hereby permitted shall not commence 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 that the unit does not detract from the vitality of the shopping

parade / centre by its appearance in the street scene, as required by saved policies D4, D7 and D25 of the Harrow Unitary Development Plan (2004).

5 The use hereby permitted shall not commence until a scheme shall be submitted to, and agreed in writing by, the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site.

The submitted details shall include a full acoustic report detailing sound insulation details of the construction and a full layout of audio visual equipment and a compliance certificate for the level in which the music limiters are to be played.

The agreed scheme shall be fully implemented before the change of use hereby permitted takes place and shall be retained in its approved form for so long as the use continues on site.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents, as required by policy 7.15 of The London Plan (2011) and saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

6 No music or any other amplified sound caused as a result of this permission shall be audible at the boundary of any residential premises either attached to, or in the vicinity of, the premises to which this permission refers.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents, as required by policy 7.15 of The London Plan (2011) and saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

## **INFORMATIVES**

### **1 REASON FOR GRANT OF PLANNING PERMISSION**

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 saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation. The proposal would bring a significant portion of the primary retail frontage of North Harrow Town Centre into active use which would assist in the revitalisation of the North Harrow Town Centre.

The following national planning policy guidance, policies in the London Plan, the Harrow Core Strategy and the Harrow Unitary Development Plan are relevant to this decision:

National Planning Policy

National Planning Policy Framework (2012)

The London Plan (2011)

2.7 – Outer London: economy

2.15C – Town Centres

3.19 – Sports Facilities

4.1 – Developing London's Economy

4.7B – Retail and Town Centre Development

4.8B – Supporting a Successful and Diverse Retail Sector

5.12 – Flood Risk Management

7.2C – An Inclusive Environment

7.3B – Designing Out Crime

7.4B – Local Character

7.5B – Public Realm

7.6B – Architecture  
7.15 – Reducing Noise and Enhancing Soundscapes

Harrow Core Strategy (2012)  
Core Policy CS1 (A, B, E, L, M, U, W)  
Core Policy CS5 (D)

Harrow Unitary Development Plan (2004)  
D4 – The Standard of Design and Layout  
D7 – Design in Retail Areas and Town Centres  
D25 – Shopfronts and Advertisements  
EP12 – Control of Surface Water Run-off  
EP25 – Noise  
T6 – The Transport Impacts of Development Proposals  
T13 – Parking  
T15 – Servicing of New Developments  
EM16 – Change of Use of Shops – Primary Shopping Frontages  
EM17 – Change of Use of Shops – Secondary Shopping Frontages  
EM24 – Town Centre Environment  
R13 – Leisure Facilities  
C17 – Access to Leisure, Recreation, Community and Retail Facilities

Supplementary Planning Document: Access for All (2006)

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 PARTY WALL ACT:

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

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 4 COMPLIANCE WITH PLANNING CONDITIONS

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

- You will be in breach of planning permission if you start development without complying

with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

## 5 FLOOD RISK

The applicant is advised that part of the application site is within flood risk zones 2 and 3. It is recommended that the occupiers of the retail unit/units adopt contingency plans to cope with evacuation of the premises in case of flooding.

## 6 MAYOR OF LONDON COMMUNITY INFRASTRUCTURE LEVY

Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of £33,600 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

The charge has been calculated on the additional floorspace of the building and on the assumption that the existing ground floor of the premises has not been occupied for 6 out of the previous 12 months.

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

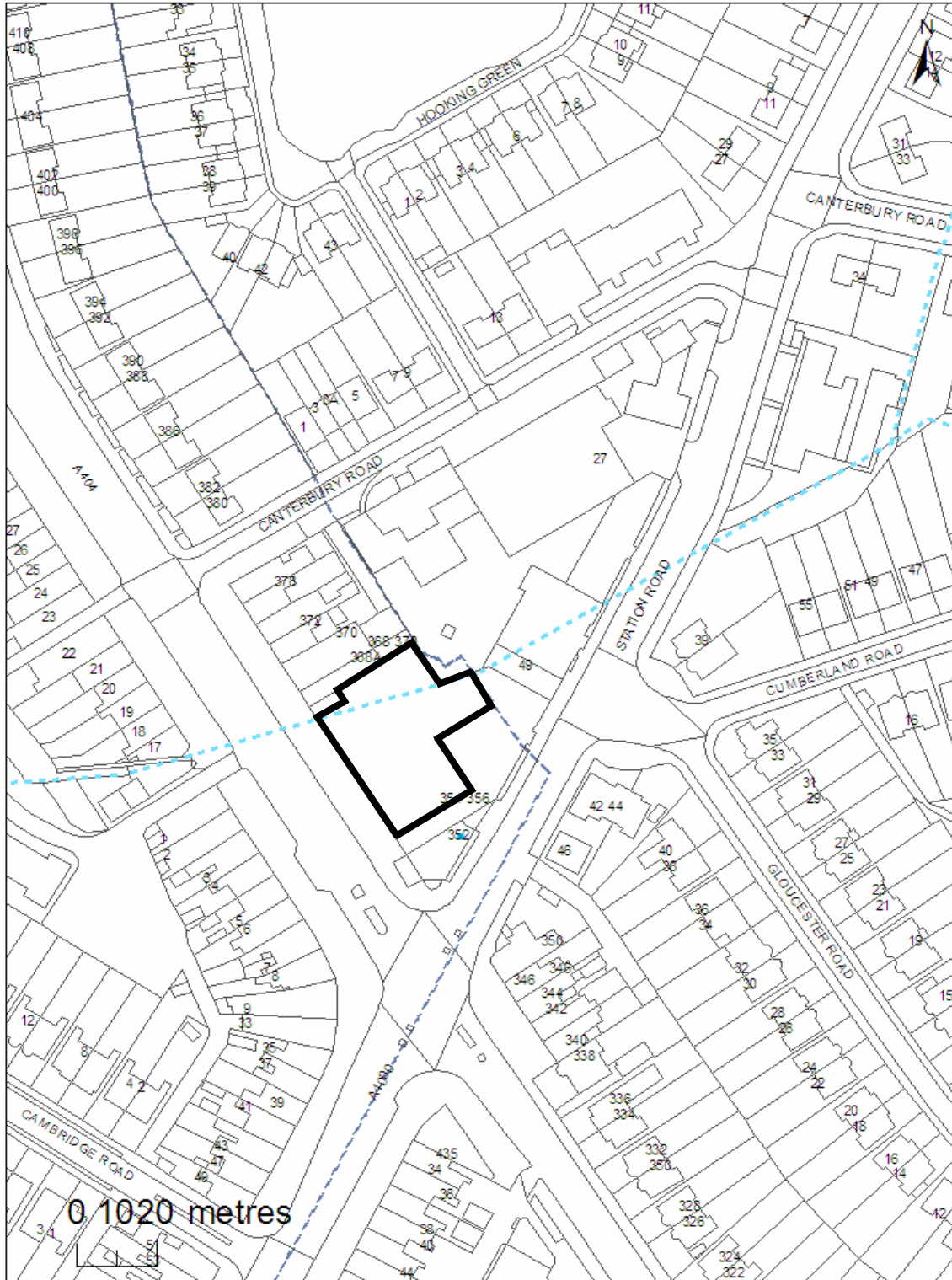
Your proposal is subject to a CIL Liability Notice indicating a levy of £43,085 for the application, based on the levy rate for Harrow of £35/sqm and the floorspace of 1,231sqm.

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

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

Plan Nos: Site Plan; Z358-01-001; Z358-01-101; Planning Statement

# 354-356 PINNER ROAD, HARROW



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## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No. 2/01  
Address: 71 - 73 STATION ROAD NORTH HARROW  
Reference: P/0496/12  
Description: CHANGE OF USE FROM RETAIL TO MINICAB OFFICE (A1 TO SUI GENERIS)  
Ward: HEADSTONE NORTH  
Applicant: MR M QURESHI  
Agent: CANOPY PLANNING SERVICES LTD  
Case Officer: ANDY PARKER  
Expiry Date: 23 APRIL 2012

### RECOMMENDATION

**GRANT** planning permission subject to conditions:

### REASON

It is considered that the proposed mini-cab office would not unduly compromise the vitality or viability of the secondary shopping parade of North Harrow District Centre and would not 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 would bring an existing vacant unit back into use and is considered to be appropriate in a town centre location. The proposal, subject to conditions, is therefore considered to satisfy the objective of policies contained in the Harrow Unitary Development Plan (2004), the Harrow Core Strategy (2012), The London Plan (2011) and the National Planning Policy Framework (2012).

### INFORMATION

The application is reported to the Planning Committee because the proposal would constitute a departure from the Harrow Unitary Development Plan (2004), and therefore falls outside category 14 of the Council's Scheme of Delegation

**Statutory Return Type:** E(20) Change of Use

**Council Interest:** None

**Gross Floorspace:** 60sqm

**Net additional Floorspace:** N/A

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

### **Site Description**

- The application site concerns No.71 to 73 Station Road, a single storey building which is located on the western side of Station Road, under the railway bridge of North Harrow Tube Station.
- According to the Council's Town Centre Survey, the premises is a vacant Estate Agents (Class A2). However, the use of the premises within Class A2 is unauthorised and the lawful use of the premises is within Class A1.
- The shop frontage width is 8.9m and the premises has a floor area of 60m<sup>2</sup>.
- To the rear of the application site is a small yard area with a floor area of 5m<sup>2</sup>.
- The premises is located within the secondary shopping area of North Harrow District Centre, immediately to the south of the primary shopping area.
- The ground floor shop has an existing fascia sign.
- To the north of the site is a single storey parade of shops nos. 63 to 69 (odd).
- No. 69 Station Road is a shoe repair shop (Class A1).
- To the south of the site is No.75 a single storey video shop (Class A1).
- To the south of No.75 is a parade of shops with residential accommodation on the first and second floors above.

### **Proposal Details**

- Permission is sought to change of use of the premises from Class A1 (Retail) to a minicab office (Sui Generis).
- No internal or external alterations are proposed.

### **Revisions to Previous Application**

- Not applicable.

#### Relevant History

HAR/18330/A Installation shop front  
Granted 07-Nov-1961

HAR/18330/B Installation shop front  
08-Mar-1962

HAR/18330/C Illuminated fascia sign  
24-Apr-1962

LBH/11117 Display of illuminated fascia signs  
Granted 13-Jun-1975

LBH/23380 Two replacement illuminated fascia signs  
Granted 20/05/1983

LBH/40218 New shopfront  
Granted 13/02/1990

LBH/41265 Illuminated fascia signs  
Granted 24/07/1990

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

- Not applicable.



## **Applicant Submission Documents**

- Design and Access Statement

## **Consultations**

**Highway Authority:** There are no specific concerns with this Change of Use from A1 to sui generis mini cab use given that it is usual for such operations to apply 'remote pick ups' (up to 80%), which means that individual mini cabs are scattered throughout the area and do not converge at the central office site which could otherwise cause concentrated parking issues in the vicinity. In any event, there is little or no available on-street space in the vicinity given that stringent parking controls are in place and any available free space is already occupied

## **Advertisement**

Departure from the Development Plan

Site Notice – Expiry: 31/05/12

Press Advertisement – Expiry: 31/05/12

## **Notifications**

Sent: 9

Replies: 2

Expiry: 13/07/12

## **Addresses Consulted**

46, 65, 67, 69 Cambridge Road  
North Harrow Underground Station  
3a Churchill Court, 58 Station Road  
Unit 3 Churchill Court, 58 Station Road

## **Summary of Responses**

- It is not clear where the mini-cabs would wait. Nearby roads are already congested at certain times of the day and the proposal would exacerbate the existing situation.
- The slamming of mini cab doors and the sounds of music while mini cabs wait would be detrimental to the amenities of nearby residents.

## **APPRAISAL**

### **MAIN CONSIDERATIONS**

- 1) Principle of the Development
- 2) Character and Appearance of the Area
- 3) Residential Amenity
- 4) Traffic and Parking
- 5) Accessibility
- 6) S17 Crime & Disorder Act
- 7) Consultation Responses

#### **1) Principle of the Development**

The National Planning Policy Framework (NPPF) (2012) requires that local planning authorities should pursue policies which promote the viability and vitality of town centres.

The NPPF states that where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

The London Plan 2011 reinforces the principles of the NPPF

Policy 4.7B of the London Plan requires that retail, commercial, financial and leisure facilities should be focused in sites within town centres.

The application site is located within North Harrow District Centre and is located in the defined Secondary Shopping frontage. In view of the high level of existing vacancies, the Council has in recent months, undertaken extensive work to build up a partnership for the District Centre and to initiate actions to revitalise the area, including the adoption of the North Harrow Local Development Order (LDO) and the introduction of a Town Centre Manager.

The LDO covers No. 34 to No. 70 and No.51 to No. 81 Station Road as well as No. 340 to No. 378, and No.547 to No. 555 Pinner Road. No.71-73 Station Road therefore falls within the defined area of the LDO. The aims and objectives of the LDO are therefore considered to be a material consideration when assessing a current planning application. Within designated parts of North Harrow, including Nos 71-73, the LDO effectively grants planning permission for changes of use of ground floor premises from the current use to the following:

- A1: Shops
- A2: Financial and Professional Services
- A3: Restaurants and Cafes
- B1 (a) as an office other than a use within A2 (financial and professional services)
- D1: Non-residential institutions specifically; health centres, day nurseries, public halls and non-residential education and training centres (subject to a maximum of 150 square metres).

Saved Policy EM17 of the UDP states:

In the secondary shopping frontages of Harrow Metropolitan Centre and of the District Centres, the change of use of retail shops (Class A1) to non-retail uses will normally be permitted provided that:-

- a) the use is appropriate to a town centre;
- b) the use is primarily for visiting members of the public
- c) the use requires an accessible location
- d) the length of the secondary frontage in non-retail use at street level in the centre (including any outstanding permissions) would not exceed 50% of the total
- e) the premises can be adequately serviced without causing harm to highway safety and convenience;
- f) a window display or other frontage appropriate to the shopping area is maintained; and
- g) a harmful concentration of non-retail uses is not created or added to in instances where the long term vacancy rate of the secondary frontage of the centre exceeds 10%, the council will normally allow any town centre use, subject to criteria d) - g) above

Addressing each of the criteria of saved Policy EM17 in turn it is considered that, (a) a mini cab office is a town centre use, (b) would serve visiting members of the public and would be associated with shopping trips, would be open during normal shopping hours and provide a service which would be complementary to shopping trips. (c) the use requires an accessible location (It is adjacent to North Harrow Underground Station and from nearby bus stops for routes to and from North Harrow).

In respect of criteria (d) the Council's most recent town centre health check survey for North Harrow District Centre established that the length of the secondary frontage in non-retail use is 48.07%, which is 1.93% below the level at which the amount of non-retail activity may begin to harm the character and vitality and viability of the shopping centre. The shopfront of No.71 and No.73 is 8.9m wide and the proposed change of use would increase this percentage by 1.32% to 49.39%, and therefore would comply with Policy EM17 (d).

The secondary shopping area has a vacancy rate of 15.85% and taking into consideration the identified problems of this District Centre, and the actions being undertaken by the Council it is considered that, whilst the proposed use does not fall within the list of uses permitted by the Local Development Order, as discussed above, the mini cab office would be an appropriate town centre use. It would serve visiting members of the public and would provide a service which would be complementary to shopping trips. It is therefore considered on balance that whilst the proposed mini-cab office would result in the loss of an A1 retail unit it would not unduly compromise the vitality or viability of North Harrow District Centre.

Criteria (e) and (f) are addressed below in sections 4 and 2 respectively.

In respect of criteria (g), the proposed change of use would not create or exacerbate a harmful concentration of non-retail uses. The range of businesses either side of the minicab office includes a chemists called 'Saville Pharmacy' (Class A1) at No.61, a vacant A1 unit at No.63, a hair and beauty studio called 'Sadaf's Hair & Beauty Studio' (Class A1) at No.65, a café called 'Sorento Coffee Shop' (Class A3) at No.69, a video shop called Milan Video (Class A1) at No.75, a restaurant called 'Stavros'(Class A3) at No.77, a take away called 'Mama's Pizza Fried Chicken' at No.79, an Indian snack food shop called 'Pongall Express' (Class A1) at No. 81, a grocers called 'Eelavan Cash & Carry' (A1), at No.83.

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

Policy EM17 of the Harrow Unitary Development Plan (2004) states that a non retail use may be acceptable provided that: -

(f) a window display or other frontage appropriate to the shopping area is maintained;

The proposed change of use of the ground floor of the premises would bring the use of the property back in operational use and would therefore have a positive impact on the vibrancy of the area.

No other internal / external alterations are proposed and any significant advertisement of the business is likely to require advertisement consent. The mini-cab office has maintained a transparent shopfront as the door and window of its frontage are entirely clear-glazed. As such, there is considered to be no unduly significant impact on the character and appearance of the area.

To ensure the vibrancy and appearance of the district centre is not compromised, an operational condition is attached to this permission to ensure that the ground floor shop window is not obscured and kept in active operation. The proposal would therefore comply with the NPPF (2012); policies 7.4B and 7.6B of the London Plan; saved policies D4 and EM24 of the UDP.

## **3) Residential Amenity**

Policy 7.6.B 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. Saved policy EP25 of the Harrow UDP (2004) requires all developments to respect noise sensitive locations. Saved policy EM25 seeks to ensure that late night uses do not have any harmful effect on residential amenity.

A letter of objection has been received which notes that the slamming of mini cab doors and the sounds of music while mini cabs wait would be detrimental to the amenities of nearby residents.

The premises within the immediate vicinity of the application site are single storey units with no residential accommodation above. However, residential accommodation is located above nos.77-87 (odd) to the south of the application site.

A mini-cab office is a late night use with the potential to cause adverse harm to residential amenity. It is noted that no hours of operation have been specified and this type of business could operate 24 hours a day, on every day. However, the site is located in North Harrow District Centre, which is a busy commercial area and off Station Road, which is a busy main road. This location is therefore very likely to already experience higher levels noise and disturbance when compared to an exclusively residential area, and as already stated above, it is considered to be an appropriate location for the use that is proposed.

Notwithstanding this, the applicant has stated that drivers would not be stationed at the premises and would be controlled by radio. A condition is suggested below to ensure that the movements of the mini-cabs are only controlled by two-way radio, and therefore there would be no reason for mini-cabs to congregate in the vicinity of the office.

Subject to the suggested condition the impact of the proposed mini-cab office on residential amenity is considered to be acceptable

As such, the application is considered to be consistent with policy 7.6B of the London Plan (2011) saved policies D5, EM25 and EP25 of the Harrow Unitary Development Plan (2004).

#### **4) Traffic and Parking**

Policy EM17 of the Harrow Unitary Development Plan (2004) states that a non retail use may be acceptable provided that: -

(e), the minicab office would control minicabs remotely by two-way radio and would not require any parking or regular servicing.

A letter of objection has been received which notes that it is not clear where the mini-cabs would wait. The letter notes that nearby roads are already congested at certain times of the day and the proposal would exacerbate the existing situation.

With regard to highway safety and the need to ensure that the proposed development would not result in the obstruction to the free flow of traffic. Station Road is a busy road which is on bus routes. However, acknowledging this together with the applicant's stated intention that the mini-cab hire office would operate on a 24 hour, 7 days a week basis it is still considered that, if conditioned so that all vehicles operating in connection with the

mini-cab hire office can only be controlled and directed by radio broadcast, the likelihood of the highway being obstructed would be minimised to an acceptable level

There is a small yard to the rear of the premises which could be used for the storage of refuse. It is unlikely that the proposed use would generate significant amounts of waste and as such, this arrangement which would not have an adverse impact on refuse collection is likely to be adequate.

It is considered that the development would be satisfactory in operational terms and would not measurably affect road capacity or prejudice vehicular/pedestrian safety in the vicinity, thereby according with policy 6.13 The London Plan (2011) and saved policies T6 and T13 of the Harrow Unitary Development Plan (2004).

As such, it is considered that the proposal would not be detrimental to the free flow and safety of vehicular traffic and pedestrians on the public highway in accordance with saved policies ST3, T6 and T13 of the Harrow Unitary Development Plan (2004).

### **5) Accessibility**

The proposal does not involve any external alterations to the existing shop front. The internal door widths would be at least 750mm wide. Access to restaurant is from Station Road and the existing shop front has a stepped entrance. It is therefore considered that an alternative access for persons with disabilities should be provided to the front of the premises via an internal access ramp. A condition is recommended which would require that the use hereby permitted shall not commence until details of a scheme to provide an internal access ramp in order to facilitate access for disabled people, has been submitted to and approved in writing by the Local Planning Authority.

The proposal would therefore comply with London Plan (2011) policies 3.1B and 7.2B; saved policies C16 and C17 of the UDP and the SPD: Access For All (2006).

### **6) 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) and saved policy D4 of the Harrow Unitary Development Plan (2004).

### **7) Consultation Responses**

Comments received are addressed in sections 3 and 4 of the appraisal above.

## **CONCLUSION**

North Harrow District Centre is subject to recognised unique structural problems which have resulted in high levels of existing vacant retail units. Consequently measures are being undertaken by the Council to initiate actions to revitalise the area. Taking into consideration these problems, and the actions being undertaken by the Council, it is considered that the proposed mini-cab office would not unduly compromise the vitality or viability of the secondary shopping parade of North Harrow District Centre and would not 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 would bring an existing vacant unit back into use and is considered to be appropriate in a town centre location. The proposal, subject to conditions, is therefore considered to satisfy the objective of policies contained in the Harrow Unitary Development Plan (2004), the Harrow Core Strategy (2012), The London Plan (2011) and the National Planning Policy

Framework (2012).

## **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 All vehicles operating in connection with the use hereby permitted shall be controlled and directed by radio broadcast only.

Reason: In order to limit the number of vehicle movements to and from the site and the parking of vehicles on adjoining streets to the detriment of the free flow of traffic and local amenity in accordance with policies 6.3 and 6.13 of The London Plan (2011) and saved policies D5, EM25, EP25, ST3, T6 and T13 of the Harrow Unitary Development Plan (2004)

3 The window glass of the shopfront shall not be painted or otherwise obscured unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the unit does not detract from the vitality of the shopping centre by its appearance in the street scene in accordance with policies 7.4B and 7.6B of the London Plan (2011) and saved policies D4 and D25 of the Harrow Unitary Development Plan (2004)

4 Notwithstanding the details shown on the approved drawings, the use hereby permitted shall not commence until details of a scheme to provide level access in order to facilitate access for disabled people, from the front of the premises on Imperial Drive has been submitted to and approved in writing by the Local Planning Authority. The premises shall not be occupied or used until the works have been completed in accordance with the approved details and thereafter retained.

REASON: The access ramp to the rear of the property is not sufficient to meet the requirement of inclusive design as required by saved policies C16 and C17 of the Harrow Unitary Development Plan (2004)

5 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement; 1230/02; 1230/03; 1230/04; 1145/05 REV A

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

## **INFORMATIVES**

### **1 REASON FOR GRANT OF PLANNING PERMISSION**

It is considered that the proposed mini-cab office would not unduly compromise the vitality or viability of North Harrow District Centre, would not have any undue adverse impact upon highway safety, the existing amenity of occupiers of any neighbouring land, or community safety in the locality. The benefits of bringing an existing vacant unit back into use would outweigh any potential adverse impact on the vitality of the shopping centre which would result from the loss of a further retail unit. The proposal, subject to conditions, is therefore considered to satisfy the objective of policies contained in the Harrow Unitary Development Plan (2004), the Harrow Core Strategy (2012), The London Plan (2011) and the National Planning Policy Framework (2012).

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

## The National Planning Policy Framework (2012)

### The London Plan (2011)

- 2.15.C Town Centres
- 3.1B Ensuring Equal Life Chances For All
- 4.7.B Retail and Town Centre Development
- 4.8.B Supporting a Successful and Diverse Retail Sector
- 6.9 B Cycling
- 7.2.C An inclusive environment
- 7.3.B Designing out crime
- 7.4.B Local character
- 7.6B Architecture
- 7.15 Reducing noise and enhancing landscapes

### Harrow Core Strategy (2012)

- Core Policy CS1.L
- Core Policy CS1.M
- Core Policy CS1.B

### Harrow Unitary Development Plan (2004)

- SEM2 Hierarchy of Town Centres
- EP25 Noise
- D4 Design and The Built Environment
- EM16 Change of Use of Shops – Primary Shopping Frontages
- EM24 Town Centre Environment
- C16 Access to Buildings and Public Spaces
- C17 Access to Leisure, Recreation, Community and Retail Facilities
- T6 The Transport Impact of Development Proposals
- T13 Parking Standards
- Supplementary Planning Document: Access for All 2006

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 COMPLIANCE WITH PLANNING CONDITIONS

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

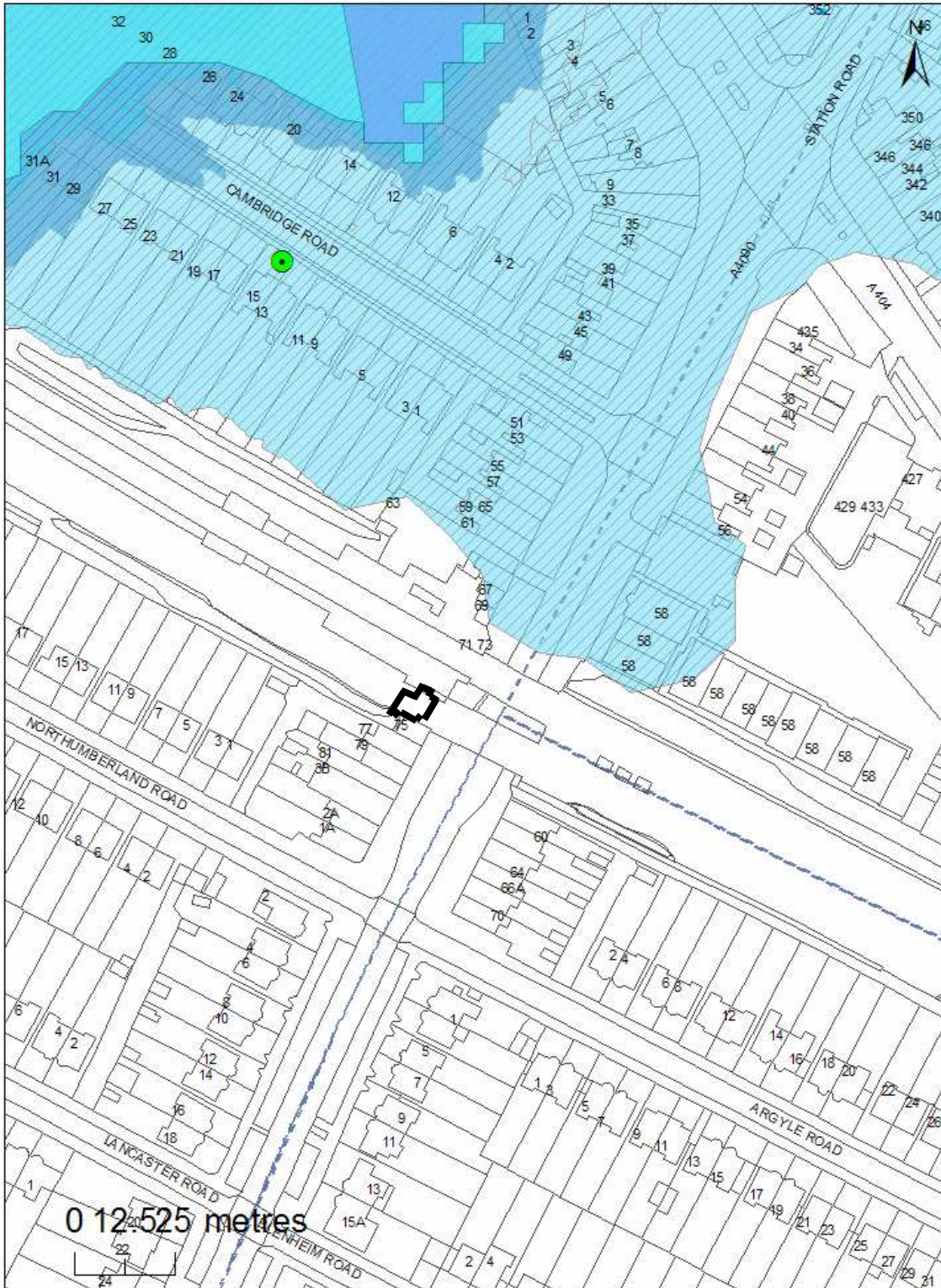
- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of 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.

4 The applicant is advised that advertisement consent may be required for any alterations to the existing signage.

Plan Nos: Design and Access Statement; 1230/02; 1230/03; 1230/04; 1145/05 REV A



# 71-73 STATION ROAD, NORTH HARROW



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Item No. 2/02

Address: PADDA COURT (THE FORMER TIMBER CARRIAGE PUBLIC HOUSE),  
19 NORTHOLT ROAD, HARROW

Reference: P/1762/12

Description DISCHARGE OF ALL OBLIGATIONS IN THE SECTION 106 AGREEMENT  
DATED 12 DECEMBER 2005 ATTACHED TO PLANNING PERMISSION  
P/1108/05/CFU RELATING TO THE PROVISION OF AFFORDABLE  
HOUSING WITHIN THE DEVELOPMENT)

Ward HARROW ON THE HILL

Applicant: FOREST PROPERTY DEVELOPMENT LTD

Agent: PLANNING POTENTIAL LTD

Case Officer: FERGAL O'DONNELL

Expiry Date: 16 AUGUST 2012

## **RECOMMENDATION**

**APPROVE** the discharge of all the obligations of the Section 106 Agreement dated 12 December 2005 as set out in this report, subject to the applicant entering into a Deed of Release with the Council and payment of Harrow Council's reasonable costs in the preparation of the Deed of Release

## **REASON**

The applicant has demonstrated that the capacity of the development site to contribute to the obligations contained within the s106 Agreement attached to planning application P/1108/05/CFU are unsustainable in threatening the deliverability of new homes on the site. The discharge of obligations secured within the s106 Agreement would ensure that each of the approved residential units on the site would be deliverable, thereby contribution towards the spatial strategy of the borough to deliver a minimum of 6,050 net additional homes over the development plan period.

The decision to **APPROVE** the discharge of the obligations of the legal agreement attached to planning application P/1108/05/CFU has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

## **INFORMATION:**

This application is being reported to committee as in the reasonable opinion of the Divisional Director of Planning Services, the application to discharge the obligation of the Section 106 Agreement relating to affordable housing falls outside of Category 22(b) of the Scheme of Delegation dated 14 March 2012.

Statutory Return Type: Other

Council Interest: None

GLA Community Infrastructure (CIL) Contribution: Not applicable as applications made under s106 of the Town and Country Planning Act (as amended) does not attract a CIL.

### **Site Description**

- The application site relates to Padda Court, located on the western side of Northolt Road, and opposite the junction of Northolt Road and Shaftesbury Avenue.
- The site is occupied by a four-storey building containing 22 residential flats.
- The surrounding area has a mix of residential, office, retail and other commercial uses.

### **b) Proposal Details**

- It is proposed to discharge the obligations of the s106 Agreement attached to planning application P/1108/05/CFU for the redevelopment of the site to provide the building currently on the site.
- The obligations of the s106 Agreement solely relate to the provision of 'Affordable Housing' in the form of 6 Key Worker Shared Ownership units.
- In support of the application to discharge the obligation to provide 6 affordable units on the site, the applicant has submitted a Financial Viability Appraisal of the site, testing the 'approved' and 'proposed' scenarios. The applicant also states that attempts to get Registered Providers to take on the affordable units have been unsuccessful.

### **Relevant History**

P/1108/05/CFU

Redevelopment: Detached 4 storey building with basement parking to provide 21 flats (6 as affordable housing at ground floor)

Granted: 19 December 2005

### **Applicant Submission Documents**

- Financial Viability Appraisal
- Letter dated 20 June 2012 from Planning Potential

### **Consultations**

Harrow Hill Trust

No response received

English Heritage

No response received

Environment Agency

No response received

Enabling Project Team (summarised as follows):

If there are no offers forthcoming for the 6 Keyworker Shared Ownership units that actually match the open market sales values of those units (and there are not) then no affordable housing can reasonably be supported by the scheme based on financial viability as the 100% private scheme will already make a considerable loss.

**Advertisement:** General Notification  
Expiry: 02 August 2012

**Site Noticed Erected:** 17 July 2012  
Expiry: 07 August 2012

**Notifications**

Sent: 75  
Replies: 0  
Expiry: 10 August 2012

**Neighbours Consulted:**

Dublin Court, Northolt Road: Flats 1-5  
Northolt Road: 1, 5-7, 11, 13, 27, 27a, Eurotravel Hotel 56-60  
Osbury Court, 52 Northolt Road: Flats 1-18, 19a, 19b  
29 Northolt Road: Flats 1-10  
Sherbourne House, 23-25 Northolt Road: First floor front office, first floor rear office, ground floor front, ground floor rear, second floor front, second floor rear, third floor  
Roxeth House, Shaftesbury Avenue: Ground floor front office, ground floor rear office, First floor front office, first floor rear office, Flats 1-2, Second floor office  
Abbots Court, Ashbourne Avenue: 1-12  
Ashbourne Avenue: 12, 14, 16  
Bridage close: Brigade House  
Dudley Road: 44

**Summary of Responses:**

- None

**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, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

**MAIN CONSIDERATIONS**

- 1) Affordable Housing Provision
- 2) Consultation Responses

**1) Affordable Housing Provision**

The application relates to the discharge of the obligations set out in s106 Agreement

attached to the planning application P/1108/05/CFU which granted planning permission for the demolition of the pre-existing public house on the site and the construction of a four-storey building to provide 22 residential flats. The obligations of the s106 Agreement solely relate to the provision of 6 key worker shared ownership units. The applicants are seeking to discharge this obligation on the basis that the scheme is no longer viable and extensive efforts to attract a Registered Provider for the six affordable units have proved unsuccessful.

Harrow's Core Strategy DPD was adopted in February 2012 and in relation to affordable housing requirements, policy CS1.J states that the Council will seek to provide a borough-wide affordable housing target of 40% of housing numbers delivered from all sources between 2009 and 2026. The maximum reasonable amount of affordable housing will be sought having regard to:

- the availability of public subsidy;
- the need to promote housing mix and choice;
- the priority accorded to family affordable housing in both the London Plan and the Council's Housing Strategy;
- the size and type of affordable housing needed in particular locations;
- the site circumstances and other scheme requirements;
- development viability; and
- the need to meet the 40% borough-wide target.

It is considered that the policies of The Harrow Core Strategy in respect of affordable housing are in general conformity with the National Planning Policy Framework [NPPF] adopted since the adoption of the Core Strategy. The policies of the Core Strategy have been examined and are in general conformity with The London Plan 2011. Policy 3.12 of The London Plan 2011 relates to negotiations on affordable housing and policy CS1.J of The Harrow Core Strategy 2012 is broadly reflective of this policy. The reasoned justification for policy 3.12 of The London Plan states that "*Negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements*".

In support of their assertion that the provision of affordable housing on the site is not viable, the applicant has submitted a Financial Viability Appraisal in the form of a GLA Toolkit supporting the provision of 0% affordable housing as the maximum reasonable provision. The Financial Viability Appraisal also seeks to demonstrate the impact on viability of a policy compliant provision of affordable housing. The applicants have also indicated that efforts have been made to attract a registered provider to acquire and manage the affordable housing units. The applicants claim that only one formal offer was made but the amount offered would render the proposals unviable today. Historic feedback from the Council's Registered Providers partners suggests that the number and type of units secured within the s106 Agreement was not attractive to them as the internal areas did not match their funding requirements.

Since the scheme received permission in 2005, two separate affordable housing funding rounds have come and gone whereby funding from the Homes and Communities Agency may have been forthcoming. However the s106 agreement for this scheme did not require the owner to dispose of the affordable units to a registered provider until completion.

The current 2011-15 round does not now generally support funding for shared ownership products such as this on their own (without general needs rented) and as such no grant



funding has now been assumed to be available. This assumption is considered to be fair. The applicant has also made assumptions in relation to housing market values, build costs, other scheme income and other development costs. As the development is now constructed, many of these costs are actual costs and the applicant has demonstrated this. The applicant has also provided information which indicates that the assumed open market values of the units are accurate.

In respect of the existing use value (EUUV), as the development has now been built out, it is reasonable to assume the actual acquisition price of the land as a measure of viability in this instance. The applicant purchased the site in a rising market but subsequent static open market price growth and increases in anticipated development costs appear to have resulted in a significant loss in land value.

The applicant has tested the 'approved development' and the 'provision of no affordable housing' scenarios. In the latter scenario, the financial appraisal indicates that any profit arising from the scheme would effectively be written off completely. The provision of an affordable housing contribution on site or of any kind would result in a further loss.

Viability is considered to be a key consideration in assessing whether or not a development can provide affordable housing and is one of the considerations contained within local and London Plan affordable housing policy. The NPPF makes it clear that all efforts should be made by local authorities to deliver housing and local authorities must not be seen to be restraining residential development by enforcing requirements which are not deliverable and the circumstances of individual sites must also be considered. If no offers are forthcoming for the 6 Keyworker Shared Ownership units that actually match the open market sales values of those units, and the applicant has demonstrated that there are not, then no affordable housing can reasonably be supported by the scheme based on the financial viability as the 100% private scheme will already make a considerable loss.

Though the building has been completed and ready for occupation, refusing the obligation of the s106 Agreement relating the provision of Affordable Housing would have the effect of prejudicing the deliverability of the 6 units to which the affordable housing obligation refers. The discharge of the obligation to provide affordable housing on the site would at least ensure that the housing targets of development plan, albeit private units, are contributed to. Accordingly, it is considered that the discharge of the obligations of the s106 Agreement would accord with the overarching principles and policies of the spatial strategy in contributing to the delivery of a minimum of 6,050 net additional homes between 2009 and 2026.

## **2) Consultation responses**

- None

## **CONCLUSION**

The applicant has demonstrated that the deliverability of some of the residential units on the site is threatened by the obligations of the s106 Agreement attached to planning application P/1108/05/CFU. The discharge of the obligations will therefore ensure that the residential units which have been granted permission are delivered and thereby contribute towards the spatial strategy of delivering 6,050 net additional homes in the borough over the development plan period.

For these reasons, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and

consultation as set out above, this application is recommended for approval.

**INFORMATIVES:**

1 INFORMATIVE:

The applicant has demonstrated that the capacity of the development site to contribute to the obligations contained within the s106 Agreement attached to planning application P/1108/05/CFU are unsustainable in threatening the deliverability of new homes on the site. The discharge of obligations secured within the s106 Agreement would ensure that each of the approved residential units on the site would be deliverable, thereby contribution towards the spatial strategy of the borough to deliver a minimum of 6,050 net additional homes over the development plan period.

The decision to **APPROVE** the discharge of the obligations of the legal agreement attached to planning application P/1108/05/CFU has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

**National Planning Policy**

National Planning Policy Framework 2012

**The London Plan [2011]:**

3.3: Increasing housing supply

3.8: Housing Choice

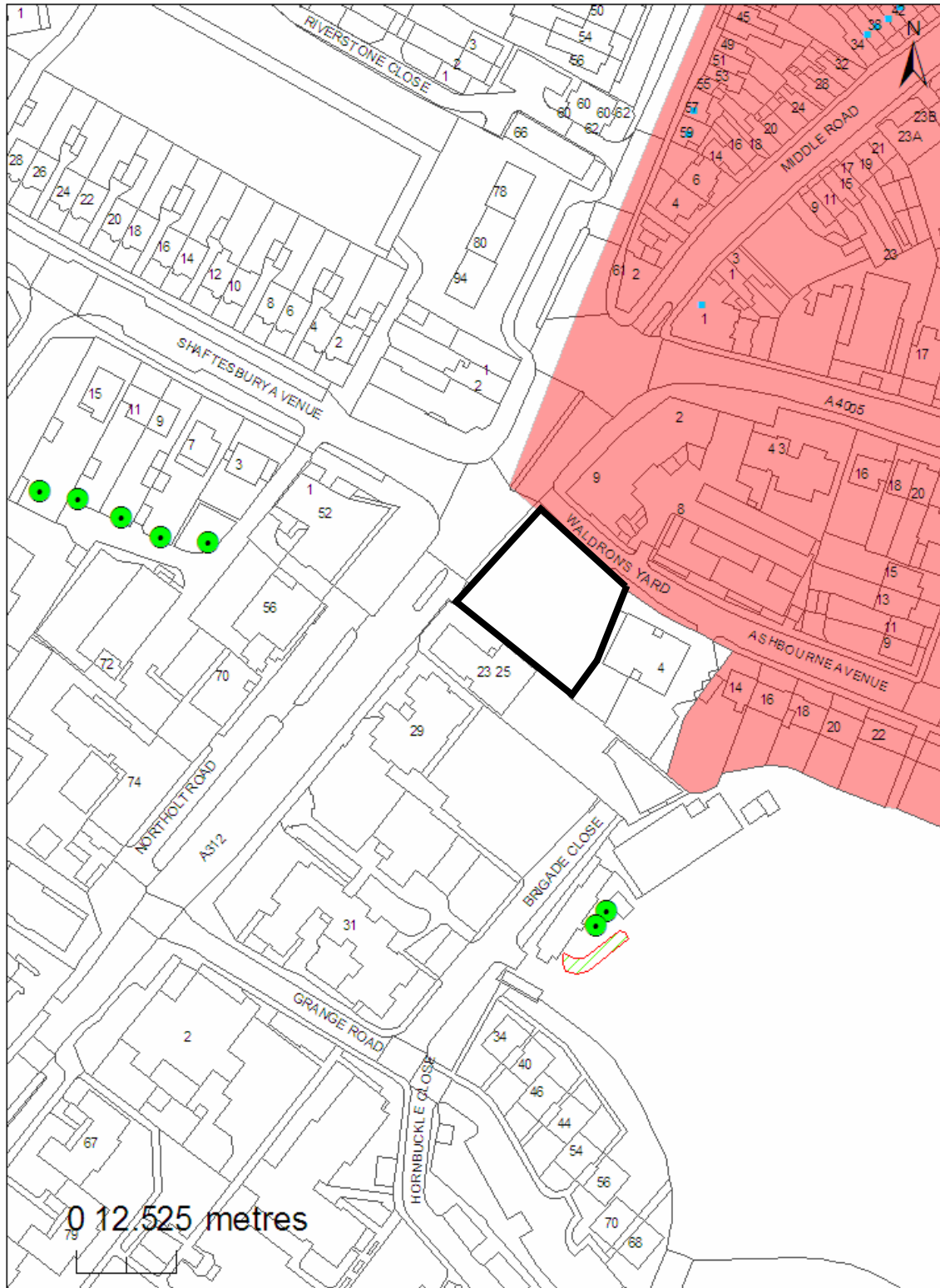
3.12: Negotiating affordable housing on individual private residential and mixed use schemes

**The Harrow Core Strategy 2012**

CS1.J: Overarching Policy

Plan Nos: Site Plan, Letter dated 20 June 2012 from Planning Potential

# FORMER TIMBER CARRIAGE PUBLIC HOUSE, NORTHOLT ROAD, HARROW



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Item No. 2/03  
Address: 22-24 DUDLEY ROAD, HARROW  
Reference: P/2046/12  
Description FIRST FLOOR EXTENSIONS TO BUNGALOWS TO FORM TWO-STOREY BUILDING WITH GABLED ROOFS, REAR DORMERS AND FRONT ROOFLIGHTS; SINGLE STOREY REAR EXTENSION TO REPLACE EXISTING CONSERVATORY AT NO.24; CONVERSION OF EXTENDED BUILDING TO FOUR FLATS (PART RETROSPECTIVE)  
Ward HARROW ON THE HILL  
Applicant: MRS THEEBA AKILAN  
Agent: MULTI CREATION  
Case Officer: FERGAL O'DONNELL  
Expiry Date: 25 SEPTEMBER 2012

## **RECOMMENDATION**

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

### **REASON**

The development would provide for additional housing in the borough, thereby contributing towards the housing targets set out in the development plan and making more effective and efficient use of the land. The housing units provided accord with the principles of Lifetime homes, thereby contributing to the sustainability of the housing stock in the borough whilst the provision of appropriate landscaping treatments will improve the character and appearance of the area. The development would not have an adverse impact on the amenities of neighbouring properties or adversely affect highway safety and convenience.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

### **INFORMATION:**

This application is being reported to committee as a petition of nine signatures (representing nine different households) has been received objecting to the proposed development. In the opinion of the Divisional Director of Planning Services, the application should be referred to the Planning Committee and the application therefore falls outside of Category 13 of the Scheme of Delegation dated 14 March 2012.

Statutory Return Type: Minor Dwellings

Council Interest: None

Site Area: 0.0672ha

Gross Proposed Internal Floorspace: 382.4sqm

Net Additional Floorspace: 196.2sqm

GLA Community Infrastructure (CIL) Contribution: £6,867 (based on an additional net floor area of 196.2sqm)

### Site Description

- The application site comprises a pair of semi-detached properties on the southern side of Dudley Road, at the eastern side of the junction with Wesley Close.
- Each of the properties were, until recently, single storey. Planning permission for first floor extensions to the properties with roof dormers and the conversion of the extended properties to four self-contained units was granted on 17 August 2011 under planning application P/1673/11.
- Planning permission P/1673/11 has been implemented in part. The external works to No.24 are complete but no works have occurred to No.22.
- The neighbouring property to the east, No.20 Dudley Road is a two-storey end terrace property. This property is the end terrace dwelling within a terrace of six dwellings and has a single storey rear extension.
- The neighbouring property on the other side of the junction and the properties directly opposite the application site are two-storey dwellings.
- There are grass verges adjacent to the footpath and the flank boundaries of No.'s 24 and 28 Dudley Road, which results in an open and spacious feel to the junction.
- Wesley Close rises up from Dudley Road to the rear and comprises a flatted development of three-storey flat roofed blocks.

### Proposal Details

- The application seeks permission for works identical to that granted under planning application P/1673/11. As the works to No.24 Dudley Road are complete, the application is retrospective in part.
- The works to each of the properties comprise:
- First floor extensions to the properties to raise the eaves of the building up to 5.5 metres from the existing / pre-existing eaves which are 2.9 metres in height. The ridge of the roof is / would be 8.6 metres high. Each of the roofs have / would have gables, as opposed to hipped ends. The existing front projecting gable feature is / would be carried through to the first floor level.
- The demolition of the conservatory at No.24 and the construction of a single storey rear extension which aligns with the existing single storey rear extension at this property and is 4 metres in depth. This element has a flat roof which is 2.7 metres in height and is 4.3 metres wide, aligning with the western flank wall of the property.
- Two rooflights in the front roof slope of each of the properties and a rear dormer on each property. The rear dormers are / would be sited 1.1 metres from the roof verges and 1 metre from the party walls. These are / would be sited just below the roof ridge and set 1 metre up from the roof eaves.
- The conversion of the extended properties to four units.
- Ground floor flats have / would have two bedrooms, a living room, a kitchen and a dining room. These units have / would have a Gross Internal Area (GIA) of 88.8m<sup>2</sup>.
- Upper floors flats have would have 2 bedrooms, each with living / kitchen areas and dining rooms and these have / would have a GIA of 97.1m<sup>2</sup>.
- Provision of four car parking spaces, two provided at the front of the property (which

would be disabled) and two provided to the rear.

- Provision of storage for 10 bins and subdivision of the rear garden into four parts.
- Provision of soft landscaping and planting at the front and southern side of the property.
  
- Revisions to planning application P/1673/11:
- Revised site layout and landscaping plan submitted
- Samples of timber boarded fencing submitted

### **Relevant History**

WEST/217/96/FUL

Single storey rear extension

Granted: 21 June 1996

WEST/997/01/FUL

Side extensions and rear dormer

Refused: 10 December 2001

#### Reasons for Refusal:

1 The proposed side extension, by reason of its excessive bulk and prominent siting, would be unduly obtrusive in the street scene, and would be detrimental to the visual and residential amenities of the surrounding neighbours and the character of the locality.

2 The proposed rear roof dormer, by reason of excessive size and bulk, would be unduly obtrusive and overbearing would detract from the appearance of the adjoining semi and be detrimental to the amenities of neighbouring properties.

P/3915/07/DFU

Demolition of bungalows; redevelopment to provide 2 storey building with habitable roof space and dormer windows comprising 8 x 2 bedroom flats - with parking and 4 x vehicle access points onto highway.

Refused: 17 April 2008

#### Reasons for Refusal:

1 The proposed development by reason of excessive bulk, massing, prominent siting, unsatisfactory design and encroachment in to public highway land, would appear unduly bulky and obtrusive in the streetscene and detract from the established pattern of development in the immediate vicinity, resulting in a loss of outlook and privacy to nearby occupiers to the detriment of the character and appearance of the area and neighbouring amenities, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: 'Designing New Development' (2003) and Supplementary Planning Guidance: Extensions: A Householders' Guide (2003).

2 The proposed development, by reason of excessive site coverage by building and hard-surfaced parking areas and associated disturbance and general activity, would represent an over intensive use, and amount to an overdevelopment of the site to the detriment of the amenities of neighbouring residents and the character of the area, contrary to policy 3A.3 of the London Plan (2004), policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: 'Designing New Development' (2003) and Supplementary Planning Guidance: Extensions: A Householders' Guide (2003).

3 The proposed development by reason of its rearward projection, unacceptable layout and design would have an unacceptable enclosing an overbearing effect on the future occupiers of the development resulting in a poor outlook and aspect, and lack of privacy from the rear and side facing windows, to the detriment of the residential amenities of

future occupiers of this site, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: Extensions: A Householders' Guide (2003) and Supplementary Planning Guidance (2003).

4 The proposal by reason of its unacceptable layout and design would provide inadequate provision for people with disabilities and non-compliance with the Lifetime Homes Standards would provide cramped and substandard accommodation to the detriment of the amenities of future occupiers of the site, contrary to policy 3A.5 of the London Plan (2004), policies D4, D5, and EP25 of the Harrow Unitary Development Plan (2004), and the Council's Supplementary Planning Documents 'Accessible Homes' (2006) and 'Access for All' (2006).

5 The proposed hard surfaced parking arrangement on the forecourt and at the side fronting Wesley Close would leave little scope for soft landscaping and the siting of the proposed storage of refuse and recycling bins on the forecourt would be harmful to the visual and residential amenities of potential occupiers of the site and neighbouring occupiers and the character and appearance of the locality, contrary to policies D4 and D9 of the Harrow Unitary Development Plan (2004).

P/3421/08

Demolition of bungalows; redevelopment to provide 2 storey building with habitable roof space and dormer windows comprising 4 x 2 bedroom flats and 2 x 1 bedroom flats with parking and 3 x vehicle access points onto highway cycle store and bin storage at rear

Refused: 23 April 2009

Appeal Dismissed: 30 March 2010

Reasons for Refusal:

1 The proposed development by reason of excessive bulk, scale, massing, prominent siting and unsatisfactory design, would appear unduly bulky and obtrusive in the streetscene and detract from the established pattern of development in the immediate vicinity, dominating the open character of the corner site to the detriment of the character and appearance of the area, and the amenities of neighbouring residential occupiers, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance 'Designing New Development' (2003) and Supplementary Planning Guidance 'Extensions: A Householders Guide' (2003).

2 The proposed development, by reason of excessive site coverage by building and hard-surfaced parking areas and associated disturbance and general activity, would represent an over-intensive use, and amount to an overdevelopment of the site to the detriment of the amenities of future occupiers of this site and the character of the area, contrary to policy 3A.3 of the London Plan (2004), policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance 'Designing New Development' (2003) and Supplementary Planning Guidance; Extensions: A Householders Guide (2003).

3 The proposed hard surfaced parking arrangement and pedestrian pathways on the forecourt and at the side fronting Wesley Close would leave little scope for soft landscaping and would be harmful to the visual and residential amenities of potential occupiers of the site and neighbouring occupiers and the character and appearance of the locality, contrary to policies D4 and D9 of the Harrow Unitary Development Plan (2004).

4 The application fails to provide onsite renewable energy generation to address 20% of the total energy demand of the development and therefore is considered to be an unsustainable form of development, contrary to policy 4A.1, 4A.7, 4B.1 of The London Plan 2004 and policy D4 of the Harrow Unitary Development Plan.

P/1673/11

First floor extensions to bungalows to form two-storey building with gabled roofs rear dormers and front rooflights; single storey rear extension to replace existing conservatory at no.24; Conversion of extended building to four flats (revised application)  
Granted: 17 August 2011

### **Applicant Submission Documents**

- Design and Access Statement;

### **Consultations**

### **Notifications**

Sent: 45

Replies: Petition containing 9 signatures received

Expiry: 23 August 2012

### **Neighbours Consulted:**

Dudley Road: 15, 17, 18, 19, 20, 21, 28, 29, 31

Wesley Close: 1-18

Grange Farm Close: 73-90

### **Summary of Responses of Petition:**

- Traffic pressures arising
- Untidy state of bins and the health hazard these pose
- Loss of light to No.20
- Passage way along the side of the building blocked

### **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, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

### **BACKGROUND INFORMATION**

Planning permission (P/1673/11) for the works which comprise this application was granted on 17 August 2011. The minor alterations to the application, in comparison with the previous application are detailed above. Planning permission P/1673/11 was granted subject to conditions, some of which were required to be discharged prior or the commencement of development. As development commenced without this conditions being discharged, the applicant has reapplied for planning permission for the whole scheme, part of which now relates to retrospective works.

## **MAIN CONSIDERATIONS**

- 1) Principle of Development
- 2) Character and Appearance of the Area
- 3) Residential Amenity
- 4) Traffic, Safety and Parking
- 5) Accessible Homes
- 6) S17 Crime & Disorder Act
- 7) Consultation Responses

### **1) Principle of Development**

Since the determination of the previous application, P/1673/11, the National Planning Policy Framework has been adopted. The NPPF sets out a presumption in favour of “sustainable development”. The NPPF defines “sustainable development” as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF sets the three tenets of sustainable development for planning to be; to play an economic, social and environmental role. The NPPF, following the deletion of the Planning Policy Statements and Guidance Notes, continues to advocate that new development should firstly be directly towards previously developed land, recognising that “sustainable development” should make use of these resources first.

Harrow Council has also adopted the Harrow Core Strategy 2012 since the previous application was determined. The Core Strategy sets out the spatial vision for the borough.

The NPPF and the Core Strategy continue to advocate that land needs to be used effectively and efficiently and in this vain, continues to advocate the use of previously developed land first. Accordingly, it is considered that the principle of the proposed development would accord with the strategic spatial strategy for the borough outlined in the Core Strategy in making effective and efficient use of previously developed land and contributing towards the housing targets set out in the development plan whilst indirectly protecting the finite resources of land which is not previously developed in the borough from future development.

### **2) Design, Character and Appearance of the Area**

Since the determination of the previous application on the site, the development has in part been implemented. Other site circumstances, such as those at neighbouring properties have not changed. In terms of policy changes since the determination of the previous application the NPPF, following on from Planning Policy Statement 1, continues to place good design at the heart of national planning policy guidance. Policy CS1.B of the recently adopted Core Strategy requires all new development to respond positively to local context in terms of design, siting, density and spacing and reinforce the positive attributes of local distinctiveness and broadly continues the principles behind policies 7.4.B and 7.6.B of The London Plan 2011 and saved policy D4 of the Harrow Unitary Development Plan 2004.

As the policies adopted since the determination of the previous application reflect those of the adopted or pre-existing policy and the site circumstances have not changed to any measurable extent, it is considered that the development would continue to have an acceptable impact on the character and appearance of the area.

In granted planning application, P/1673/11, a condition was attached requiring details of

landscaping to be provided prior to the commencement of development. In the current application, details of the planting types and species type has been provided along with details of the hard surfacing materials to be used and the boundary materials. The materials proposed and submitted are considered to be acceptable and conditions in relation to these elements are not therefore required.

### **3) Residential Amenity**

The adoption of the NPPF and the Harrow Core Strategy 2012 does not introduce any new policies in relation to neighbouring amenity. The scale of the development is identical to that approved previously in planning application P/1673/12 where the impact of development on neighbouring amenity was considered. As there have been no measurable or permanent alterations in site circumstances in the interim or changes in planning policy, it is considered that the impact of development would not be unreasonable on the neighbouring occupiers, according with policy 7.6.B of The London Plan 2011, saved policy D5 of the Harrow Unitary Development Plan 2004 and the adopted SPD: Residential Design Guide 2010..

The petition received objecting to the planning application relates in part to the perceived impacts on the amenities of neighbouring occupiers. The signatories consider that the blocking of a passageway and the erection of scaffolding has impinged on the amenities of neighbouring occupiers. Additionally, objections are raised in respect of the loss of sunlight to No.20 Dudley Road and the fact that bins at the property are overflowing and causing a health hazard.

The impact of development on the amenities of neighbouring occupiers, including impacts in relation to loss of light has been considered in planning applications P/3495/10 and P/1673/11. It was considered that the first floor extensions would align with the front and rear walls of the property at No.20 and as there are no 'protected' windows in the flank elevations of No.20, no undue overbearing or overshadowing impacts would arise. Accordingly, it is considered that any loss of light to No.20 as a result of the development would not be unreasonable.

The blocking up of access ways by scaffolding is an ownership issue and an impermanent effect of planning. Accordingly, this objection is not considered to be material to the consideration of this planning application.

Overflowing bins and the health hazards this poses relate to the personal use of the property. As planning principles are based on land use, the consideration of personal or private interests are not material planning issues as these may change throughout the life of the development. Accordingly, this objection is not afforded any weight.

### **4) Traffic, Safety and Parking**

The transport and traffic impacts of development have been considered previously and the transport impacts of development have been found to be acceptable. There have been no relevant changes in planning policy or material site circumstances since the determination of the previous application on the site and accordingly, it is considered that these impacts would continue to be acceptable.

Comments have been received in relation to the capacity of Dudley Road to support the vehicles movements associated with a flatted development on the site. However, one off-street car parking space is provided for each of the units and it is considered that these would be adequate to provide for the users of the units in association with more

sustainable modes of travel such as cycle spaces that are provided. No impact on on-street parking would therefore arise. The provision of four cars using the two properties, in terms of this impact on highway congestion would be *de minimis*, in comparison with the existing situation whereby two cars per household is likely.

### **5) Accessible Homes**

The units provided have an identical layout to the layouts approved planning permission in application P/1673/11 and each unit would accord with Lifetime Homes standards. Policy CS1.K of The Harrow Core Strategy 2012 adds weight to London Plan policies considered previously but does not differentiate significantly from them, requiring all new homes to provide Lifetime Homes as London Plan policies do. Accordingly, as there have been no significant changes in planning policy or site circumstances since the time of previous application on the site was determined. No objection is therefore raised in respect of accessibility issues.

### **6) S17 Crime & Disorder Act 1998**

Policies 7.3.B and 7.13.B of The London Plan and saved policy D4 of the UDP require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

### **7) Consultation responses**

*Traffic pressures arising; Untidy state of bins and the health hazard these pose; Loss of light to No.20; Passage way along the side of the building blocked*

Each of these issues have been addressed in the Appraisal above

### **CONCLUSION**

The development relates to an application whereby the principle and detailed design considerations of the proposal have previously been considered acceptable in planning application P/1673/11. There have been no changes in site circumstances or relevant policy changes in the interim to warrant a different view on the development proposals. The development would also positively contribute to the housing targets set out in the development plan and would make effective and efficient use of land.

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

### **CONDITIONS:**

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

REASON: To safeguard the appearance of the locality, thereby according with policy 7.4.B of The London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012 and saved policy D4 of the Harrow Unitary Development Plan 2004.

2 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 ensure that the development is retained as approved on the site, thereby safeguard the appearance and character of the area, enhancing the appearance of the development, and according with policy 7.4.B of The London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012 and saved policies D4 and D9 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with the policies 3.1.B and 7.2.C of the London Plan 2011, policy CS1.K of The Harrow Core Strategy 2012 saved policies D4 and C16 of the Harrow Unitary Development Plan 2004 and the Council's adopted Supplementary Planning Document – Accessible Homes 2010

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

REASON: To safeguard the amenity of neighbouring residents, in accordance with policy 7.6.B of The London Plan 2011 and saved policy D5 of the Harrow Unitary Development Plan 2004.

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

REASON: To safeguard the appearance of the locality, in accordance with policy 7.4.B of The London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012 and saved policy D4 of the Harrow Unitary Development Plan 2004.

6 The development hereby permitted shall be completed and maintained in accordance with the following approved plans and documents: 2251-01/FP; 2251-02/FP Rev B; 2251-03A/FP Rev B; 2251-04/FP Rev B; 2251-05/FP Rev B; 876.01; Design and Access Statement

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

#### **INFORMATIVES:**

##### 1 INFORMATIVE:

##### SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The development would provide for additional housing in the borough, thereby contributing towards the housing targets set out in the development plan and making more effective and efficient use of the land. The housing units provided accord with the principles of Lifetime homes, thereby contributing to the sustainability of the housing stock in the borough whilst the provision of appropriate landscaping treatments will improve the character and appearance of the area. The development would not have an adverse impact on the amenities of neighbouring properties or adversely affect highway safety and convenience.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

#### **National Planning Policy**

**The London Plan [2011]:**

5.12.B/C/D – Flood Risk Management

6.3.A/B/C – Assessing the Effects of development on transport capacity

6.5 – Funding Crossrail and other strategically important transport infrastructure

6.9 – Cycling

6.10 – Walking

6.12.B – Road Network Capacity

6.13.C/D – Parking

7.2.C – An Inclusive Environment

7.3.B – Designing out Crime

7.4.B – Local Character

7.5.B – Public Realm

7.6.B – Architecture

7.13.B – Safety, Security and Resilience to emergency

**The Harrow Core Strategy 2012**

CS1 – Overarching Policy

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

EP12 – Control of Surface Water Run-Off

EP25 – Noise

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

C16 – Access to Buildings and Public Spaces

T13 – Parking Standards

**Adopted Supplementary Planning Documents**

Supplementary Planning Document: Accessible Homes 2010

Supplementary Planning Document: Sustainable Building Design 2009

**2 INFORMATIVE:**

Please be advised that this application attracts a liability payment of £6,867 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 £6,867 for the application, based on the levy rate for Harrow of £35/sqm and the additional net floor area of 196.2sq.m.

**3 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.

**4 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)

#### 5 INFORMATIVE:

The materials hereby approve comprise:

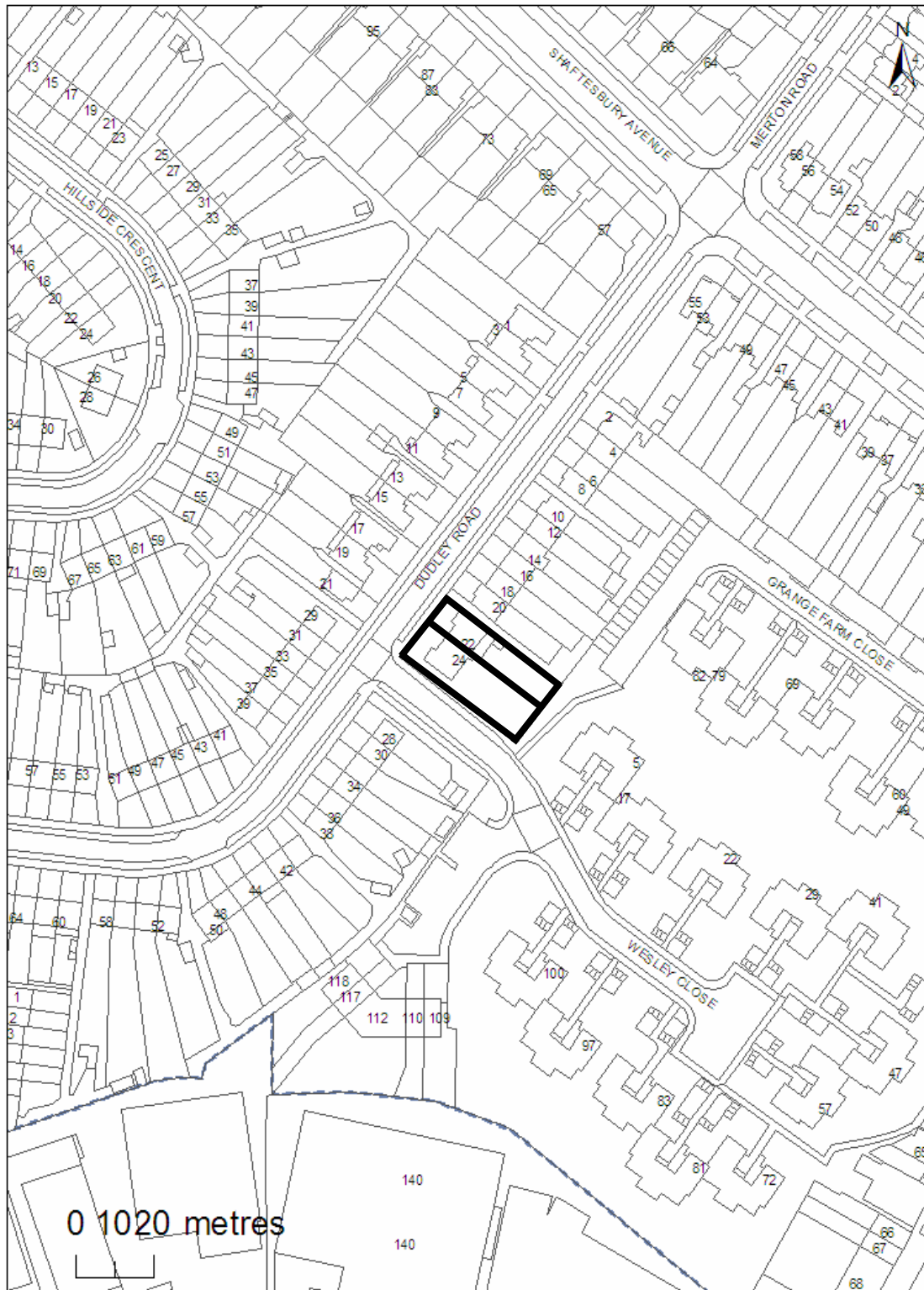
Boundary Treatment and Bin Store – Close Boarded Fencing

Hard surfacing – Marshalls Driveline Piora Permeable Semi-concrete paving stones  
(charcoal)

Hard surfacing ramps to front of Property – Grey concrete paving slabs

Plan Nos: 2251-01/FP; 2251-02/FP Rev B; 2251-03A/FP Rev B; 2251-04/FP Rev B;  
2251-05/FP Rev B; 876.01; Design and Access Statement

# 22-24 DUDLEY ROAD, HARROW



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## Appeal Decision

Hearing held on 23 February 2010  
Site visit made on 23 February 2010

by **Mrs H M Higenbottam**

**BA (Hons) MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email:enquiries@pins.gsi.gov.uk

**Decision date:**  
**30 March 2010**

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### Appeal Ref: APP/M5450/A/09/2115003 22-24 Dudley Road, Harrow HA2 0PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr V Akilan against the decision of the Council of the London Borough of Harrow.
- The application Ref P/3421/08, dated 8 October 2008, was refused by notice dated 21 April 2009.
- The development proposed is the demolition of 2 No bungalows, construction of 6 No flats (4 No 2 Bed and 2 No 1 Bed) including ancillary works, parking etc.

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### Decision

1. I dismiss the appeal.

### Main Issues

2. I consider that the main issues in this case are:
  - The effect of the proposals on the character and appearance of the area; and
  - Whether the proposals would provide satisfactory living conditions for future occupiers of the ground floor flats, with particular reference to noise and disturbance from the use of the frontage parking spaces and pedestrian path.

### Reasons

#### *Character and Appearance*

3. The appeal site is at the junction of Dudley Road and Wesley Close. Dudley Road is predominantly traditional two storey terraces and semi-detached properties in use as single family dwellings. Wesley Close comprises a flat development of three storey flat roofed blocks and is to the south east of the appeal site. Wesley Close rises up from Dudley Road and the existing flat development is sited on higher ground than the appeal site. In my view, Wesley Close has a separate and distinct character from Dudley Road.
4. Nos 22 and 24 are a pair of semi-detached bungalows with dormer windows within the roof. The flank wall of No 24 is set back from the boundary fence. There are grass verges adjacent to the footpath and the flank boundaries of Nos 24 and 28 Dudley Road, which results in an open and spacious feel to the junction. Approaching from the south west, there are long views of the flank boundary and the roof of the existing bungalow at No 24. The proposal would front onto Dudley Road and relate to the existing development within this road.

5. The existing bungalows have hard surfacing across the full width of the frontage and this is used for parking of vehicles. The proposal includes about 2/3rds of the frontage being hard surfaced and laid out for parking with access from Dudley Road. Planting beds are proposed to the flank boundaries and between the bay windows and the entrance into the building. In my view, the increased landscaping proposed would result in a visual improvement to the frontage area, when compared to the existing situation.
6. The proposal would be 2 storey with a third floor within the crown roof and a slightly lower, two story rear projection with a large flat roofed dormer within the rear roofslope. The flank elevation would extend up to the grass verge within Wesley Close. To my mind, the increased width and bulk of the proposals would reduce the open and spacious character at the junction with Wesley Close, to the detriment of the area.
7. The proposed front dormers would be limited in size and discrete within the front roofslope. However, the large flat roofed rear dormer would dominate the roof of the rear projection in views from Wesley Close. To my mind, this would fail to complement the established character of the area.
8. The overall width and bulk of the proposals would be greater than the established form of development in Dudley Road and due to its prominence within the street scene would detract from the character and appearance of the area. Furthermore, the proposed crown roof, whilst resulting in a height of development similar to neighbouring properties, would be an uncharacteristic form of roof within Dudley Road, and would be readily apparent in views along Dudley Road and when approaching from Wesley Close, further detracting from the character and appearance of the area.
9. I therefore find the proposal would result in a form of development which would fail to protect or complement the character and appearance of the area. This would be contrary to Policies D4 and D5 of the Harrow Unitary Development Plan (UDP) which expect a high standard of design and layout which protects and complements an areas character and adds to the richness of existing townscape.

*Living Conditions for Future Occupiers*

10. The proposed frontage parking would be located not less than 1m from the windows serving Bed 1 (spaces P1 and P4) and 1.6m from the windows serving Bed 2 (spaces P2 and P3) of each of the ground floor flats. The appellant confirmed that spaces P1 and P4 would be allocated to the occupiers of the ground floor flats. Whilst the closest parking spaces to the ground floor flats would be allocated to those units, the remaining two spaces (P2 and P3) would be allocated to the other flats. Due to the proximity of spaces P2 and P3, I consider that these would be likely to result in disturbance from lights, doors, engine and other noise associated with parking of vehicles at night time when the occupiers of the ground floor flats would normally expect peace and quiet. The 0.6m landscaping area available would not in my view adequately mitigate this problem.
11. Furthermore, pedestrian access to the rear bin stores within the proposal would be via a footpath adjacent to the ground floor flat nearest to No 20. Occupiers of first floor and second floor flats would have to walk past the ground floor

bedroom windows of this flat to reach the bin stores, adding to noise and disturbance for the occupiers of the ground floor flat. Although, I appreciate that access to the bin stores could also be achieved from Wesley Close, this would require future occupiers to go outside of the appeal site to access the bin store.

12. I therefore find that the proposal would result in noise and disturbance to future occupiers of the ground floor flats. This would be contrary to UDP Policy D5 which requires the amenity and privacy of occupiers of proposed dwellings to be safeguarded.

#### **Other Matters**

13. The Council accepted at the Hearing that the proposals would not result in loss of light or a visual intrusion to the occupiers of No 20, due to the step back of the rear projection and its separation from No 20. The proposals would comply with the 45° Code within the Supplementary Planning Guidance entitled *Extensions: A Householders Guide* (SPG). The guidance within the SPG was confirmed as applying to extensions to residential properties and to new buildings adjacent to existing residential property. To my mind the proposals would not result in a material harm to the living conditions of occupiers of No 20.
14. UDP Policy D4 requires the energy efficiency, renewable energy, sustainable design and construction of development proposals to be taken into account. The appellant's grounds of appeal state that the proposals could be designed to Level 3 of the Code for Sustainable Homes. At the Hearing it was confirmed that the proposals would meet Level 3, and as such I consider that the general aims of UDP Policy D4 would be met in this respect.
15. A local resident raised concerns in relation to problems of on street parking and access for emergency vehicles in the immediate area. The Council's Transport Engineer considered the level of parking provision would be acceptable. The appeal site is located within a zone with a medium level of public transport accessibility and is within walking distance of public transport services. On the information before me, I consider the proposed level of parking provision would be acceptable and would be unlikely to result in harm to highway safety.
16. The Council have referred to an appeal decision at 45 and 45A Howberry Road (APP/M5450/A08/2074471), particularly in relation to noise and disturbance issues for future residents. However, I have little information about the circumstances of that case. In the particular circumstances of the present appeal I have concluded that it should fail in the light of my conclusions on the main issues.
17. For the reasons given above I conclude that the appeal should be dismissed.

*Hilda Higenbottam*

Inspector

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Item No. 2/04  
Address: 5 CANONS CORNER, EDGWARE  
Reference: P/2142/12  
Description: CHANGE OF USE RETAIL TO RESTAURANT AND TAKE - AWAY (USE CLASS A1 TO USE CLASS A3/A5); INSTALLATION OF VENTILATION DUCTS AT REAR  
Ward: CANONS  
Applicant: MR MUHAMMAD SHAMI  
Case Officer: CHERYL ANDREWS  
Expiry Date: 28/09/2012

## **RECOMMENDATION**

**GRANT** planning permission subject to conditions:

### **REASON**

The proposed change of use of the subject unit from an A1 shop to an A3 restaurant and A5 hot food takeaway is considered to be an appropriate use for the premises. The proposal would harmonise with the character and appearance of the area and subject to the conditions attached, would not have an undue impact on residential amenity or raise any significant issues in relation to traffic, parking, refuse, storage and disposal or accessibility. 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 saved policies of the Harrow Unitary Development Plan 2004 (listed in the informatives), as well as to all relevant material considerations including any responses to consultation.

### **INFORMATION**

The application is reported to the Planning Committee because the application has received two petitions and in the opinion of the Divisional Director of Planning Services, the application has significant public interest and is therefore excluded by provisions A and 13 from the Scheme of Delegation dated 14 March 2012.

**Statutory Return Type:** 20 – Change of Use

**Council Interest:** None

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** n/a

### **Site Description**

- Site is located within the Canons Corner neighbourhood parade, which comprises 10 retail units at ground floor level with residential units on the first and second floors above.
- The property on the site is a three-storey terraced property with retail use on the

ground floor and residential accommodation on the floors above.

- The ground floor retail unit that is the subject of this application is currently vacant. The previous use was a delicatessen (A1 Use Class).
- The parade is a non-designated neighbourhood parade and is not within a Town Centre.
- The parade features a mix of shops which all fall within the A1 Use Class apart from an Estate Agents (A2).
- The opening times of the shops within the parade are varied. The earliest opening time observed was 06:00 Monday-Saturday and 07:00 Sunday. The latest closing time observed was 18:30 Monday-Wednesday, 19:00 Thursday and Friday, 18:30 Saturday and 14:00 Sunday.
- The parade fronts London Road, a London Distributor Road, with Canons Corner roundabout to the north-east. There is an A3/A5 use (McDonald's) on the opposite site of the roundabout, within the Borough of Barnet,
- A service road runs to the rear of No.'s 1-5 Canons Corner.
- On the opposite site of the service road is a pair of semi-detached properties: 1B and 1C Court Drive. Beyond these are a number of residential roads and a block of flats, London House, which lies to the East.

### **Proposal Details**

- Change of use of ground floor commercial premises from a shop (A1) to a restaurant (A3) and hot food takeaway (A5).
- The restaurant would have a capacity of 40 seated customers.
- Installation of two ventilation ducts at ground floor level at the rear. These would be fitted with a three-stage carbon filtration unit and external noise reduction units.
- Three new parking spaces and a rubbish/recycling store area would be provided at the rear of the site.
- The front access for customers would remain unchanged.

### **Relevant History**

HAR/7276/J - ERECT SHOP FRONT  
Grant – 19/10/55

HAR/7276/M - ILLUMINATED FASCIA SIGN  
Grant – 19/6/57

HAR/7276/O - ERECT DOMESTIC GARAGES  
Refuse – 15/4/58

LBH/22399 - CHANGE OF USE TO RESTAURANT WITH TAKE-AWAY  
SERVICE, SINGLE STOREY REAR EXTENSION AND EXTRACTOR TRUNKING  
Refuse 2/12/82

P/1435/09 - REPLACEMENT SINGLE STOREY REAR EXTENSION  
Grant – 27/8/09

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

HA\2012\ENQ\00173

### **Applicant Submission Documents**

- Design and Access Statement

- Noise Report
- 'Design and Access Statement' supporting statement
- Letter and petition in support of proposal from Mr Shami dated 10/9/12
- Letter from landlord dated 10/9/12

### **Consultations**

Environmental Health Officer – no objection subject to conditions

Traffic and Parking Engineer – no objection

Transport Planner – no objection

### Planning Policy

The application involves the change of use of a shop from A1 to A3/A5 in a retail parade that is currently not designated, but is proposed to be a neighbourhood parade in Harrow's Site Allocations DPD. The change of use from A1 to A3/A5 is appropriate in policy terms as it retains an appropriate town centre use with an active frontage in the retail parade, as set out in Policy 49 of Harrow's Development Management Policies DPD (Pre-submission).

Subject to satisfactory amenity considerations being met (fume extraction / hours of operation etc) there are no policy objections to this application.

Waste Management Policy Officer – no objection

### **Notifications**

Sent: 13

Replies: 60 objections, 36 in support

Expiry: 7-09-12

### **Addresses Consulted**

7 Partridge Close

Court Drive: 1b and 1c

Canons Corner: 3, 3a, 4, 4a, 5, 5a, 6, 6a, 7, 7a

### **Summary of Responses**

The following points of objection have been raised:

- Odour from cooking smells
- Noise and disturbance during and after opening hours from the ventilation duct/activity in the shop/customers gathering outside
- Opening hours
- Pest/vermin problems
- Litter (including rotting food) and customer bin provision
- Concerns over the location of the ventilation duct/bin storage/on-site parking
- Issues relating to crime/security/anti-social behaviour/vandalism
- Inappropriate location for the use
- Already other takeaways in the locality
- Traffic, parking and highway safety concerns, including deliveries
- Loss of a retail unit
- Strain on the drainage system
- Decrease in property prices
- Not healthy food
- Use is not wanted by local residents and will attract non-residents into the area, such as lorry drivers and schoolchildren

- History of odour issues with the previous use
- Takeaway at No.2 Canons Corner refused
- Application vague and misleading and not all residents were notified

A petition of objection has been received, dated 27/8/12, signed by 30 people, on the following grounds: previously the shop was used for frying fish, resulting in rancid oil fumes being pumped out, causing distress to residents. The current application is a far worse scenario and will encourage crowding and a build up of waste food. Restaurant customers driving away from the unit will cause disturbance after closing time.

A petition of support dated 10/9/12 and signed by 34 people has been received.

The following points of support have been raised:

- The business will be a well managed 'up market' establishment with the latest methods of extraction and filtration
- It will be a great business for the area subject to safeguards to protect residential amenity.

## **APPRAISAL**

### **MAIN CONSIDERATIONS**

- 1) Change of Use (EM20)
- 2) Character and Appearance of the Area (D4)
- 3) Residential Amenity (EM25)
- 4) Traffic, Refuse and Access (T6, T13, and C17)
- 5) S17 Crime & Disorder Act
- 6) Consultation Responses

#### **1) Change of Use**

Saved Policy EM20 of the Harrow Unitary Development Plan (2004) states that the Council will normally permit changes of use from retail shops (A1) outside town centres if the proposal:-

- a) would not result in the loss of necessary local retail provision;
- b) parking is provided in accordance with the council's standards; and
- c) the premises can be adequately serviced without causing harm to highway safety and convenience.

This application seeks permission for the change of use of 5 Canons Corner from a vacant retail unit to a restaurant and hot food takeaway. The site lies outside of a designated parade or metropolitan, district or local centre. There would be a loss of local retail provision as the unit falls with the A1 Use Class. In order to satisfy saved Policy EM20 of the Harrow Unitary Development Plan (2004), the Council needs to establish whether the retail unit that would be lost as a result of the application would be classified as 'necessary'. The supporting text to saved Policy EM20 of the Harrow Unitary Development Plan (2004) states:

"In considering whether the proposed change of use will involve the loss of 'necessary' retail provision, the Council will take into account the adequacy of alternative facilities located either within the same parade or within a reasonable walking distance, which will depend on local circumstances. Alternative facilities may be other local shops, town

centres or motor fuel stations that provide a significant convenience shopping facility.”

Within the Canons Corner parade there are eight other A1 retail units, providing a variety of services and goods, including food, clothing, a convenience store, a pharmacy, a barbers and a dry cleaners. As such, in accordance with saved Policy EM20 of the Harrow Unitary Development Plan (2004), it is considered that the premises would not be classified as necessary and the loss of the retail unit would be considered acceptable in this regard.

It is noted that a recent High Court decision held that local planning authorities must have regard to the impact of a proposed takeaway on local schools. Mr Justice Cranston said that the London Borough of Tower Hamlets 'acted unlawfully' by allowing a Fried & Fabulous to open on the site of a former grocery shop. The High Court stated that proximity of a hot food takeaway to a school was capable of being a material consideration since it relates to the use of land.

The subject site is close to the London Academy secondary school. However, there is an existing, major restaurant/hot food takeaway (McDonald's) in closer proximity to the school. It is considered, therefore, that the proposed restaurant/hot food takeaway facilities would not have a material impact on the availability of takeaway food around the school.

It is therefore considered that, subject to satisfying the remaining qualifying criteria in relation parking and highways, the use would be appropriate in this location.

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

The application proposes a number of physical alterations to the rear of the property, including the installation of two ventilation ducts at ground floor level, three new parking spaces and a rubbish/recycling store area. It is noted that the area to the rear of the subject unit is currently used for the storage of bins and containers and also for informal parking. The adjacent unit, currently in use as a butchers has an external ventilation unit at ground floor level. The proposed physical alterations would therefore be in keeping with the existing character to the rear of these commercial properties and are considered to be consistent with saved policy D4 of the Harrow Unitary Development Plan (2004) and Core Policy CS1B of the Harrow Core Strategy (2012).

## **3) Residential Amenity**

Saved Policy EM25 of the Harrow Unitary Development Plan (2004) seeks to ensure that proposals for food and drink uses (A3) and any late night uses do not have a harmful effect on residential amenity. In assessing applications for these uses particular regard will be given to the following:-

- a) The location of the premises;
- b) Proximity of residential properties, particularly flats above the premises;
- c) The type of use proposed;
- d) Hours of operation;
- e) Existing and proposed soundproofing;
- f) Parking and servicing arrangements; and
- g) Arrangements for fume extraction, or any other plant or machinery.

To protect the amenity of the occupiers of surrounding residential properties, particularly those above the subject unit, it is considered reasonable to attach a condition to any grant of planning permission restricting the hours of opening to between the hours of 10:30 and

23:00. The subject premises is in the middle of a parade of commercial properties and is sited on a busy London Distributor Road. Furthermore, there are no other A3 or A5 uses within the parade so there would be no cumulative impact created. For these reasons, it is considered that the proposed use of the unit as a restaurant and takeaway during these hours of operation would be acceptable in amenity terms given the background noise and activity from traffic and pedestrians along London Road.

The proposed extract duct at the rear would be located 12m from the rear elevation of the residential properties above the unit and over 10m from the side boundary of the garden at 1B Court Drive. The comments in relation to odour from the proposed use are noted, but this is essentially why an extract duct is required. Its siting is considered to minimise the impacts of any fumes which would be extracted as a result of the proposed change of use and the extraction and ventilation systems would accord with current British standards and legislation relating to flues. The only ventilation machinery noted within the parade was on the adjacent butcher's shop. Therefore, it is considered that one additional extract duct would not create an undue cumulative impact in terms of noise or odour. The Council's Environmental Protection Officer has no objection to the development subject to conditions requiring details of measures to minimise noise from the extract duct and for the continued maintenance of the duct in order to comply with noise level requirements. These conditions have been attached to this recommendation grant.

For these reasons, subject to satisfying part f) in relation parking and servicing arrangements, the proposal is considered to be consistent with saved policy EM25 of the Harrow Unitary Development Plan (2004).

#### **4) Traffic, Refuse and Access**

The Council's Traffic and Parking Engineer has no objection to the proposal as the location is likely to contribute to linked trips to the site, due to the other commercial uses within the parade. Given the scale of the proposal, it is unlikely that there would be a measurable change in traffic generation or cars parked in the locality, which would, in any event, be partly controlled by the stringent waiting restrictions in the area which promote parking restraint and use of sustainable transport. Notwithstanding this, there are on-street parking provisions in the vicinity fronting the site which allow patrons visiting this and other uses within the parade to park. For these reasons, the proposal is considered to comply with saved policies T6 and T13 of the Harrow Unitary Development Plan (2004).

Refuse storage would be provided within the site boundary at the rear of the site and refuse collections made via the access road, as with the previous use. It is considered that this refuse arrangement would ensure that the premises can be adequately serviced without causing harm to highway safety and convenience, in accordance with saved policies EM20, EM25 and D4 of the Harrow Unitary Development Plan (2004).

The unit was previously open to members of the public and would be able to provide a level entrance in accordance with saved policy C17 of the Harrow Unitary Development Plan (2004) and policies 7.2 and 7.6 of the London Plan (2011).

#### **5) S17 Crime & Disorder Act**

The development does not have any material impact with respect to this legislation. It is noted that objections have been received which raised concerns with respect to the possibility of the proposed use increasing crime, vandalism and anti-social behaviour in the locality. However, these issues are matters for the Police and are not within the remit of Planning Legislation. Furthermore, it is considered that the suggested condition to limit

opening hours would be of some assistance to the Police in carrying out their duties.

## **6) Consultation Responses**

Comments in relation to the impacts of a restaurant and takeaway regarding litter are noted, and an informative is recommended to the applicant on the decision notice that seeks to mitigate this issue.

The information submitted was sufficient to make a decision. The Council undertook statutory notification of adjoining residents and carried out a site inspection. A change of use application at No.2 Canons Corner (reference P/1443/03/CFU) was refused on 15/9/03. However, this was determined under policies that have now been superseded.

The comments relating to material planning considerations have been addressed in the body of the report. Concerns regarding pest/vermin problems and rotting food issues would be dealt with by Environmental Health.

The proposal is not within a flood zone. Objectors who have concerns regarding the drainage system should contact Thames Water for further information. Property prices, the type of customers that may visit the proposed restaurant and takeaway and odour issues from previous uses are not material planning considerations.

## **CONCLUSION**

The proposed change of use of the subject unit from an A1 shop to an A3 restaurant and A5 hot food takeaway is considered to be an appropriate use for the premises. The proposal would harmonise with the character and appearance of the area and subject to the conditions attached, would not have an undue impact on residential amenity or raise any significant issues in relation to traffic, parking, refuse, storage and disposal or accessibility.

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

- 10.30 hours to 23.00 hours, Monday to Saturday inclusive
- 10.30 hours to 22.30 hours on Sundays

without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents in accordance with saved policy EM25 of the Harrow Unitary Development Plan (2004).

3 The level of noise emitted from the new extract duct 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 B.S. 4142. The background noise level shall be expressed as the lowest LA90. Following installation but before the new extract duct 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 extract duct 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 saved policies D4 and EM25 of the Harrow Unitary Development Plan (2004).

4 All constituent parts of the new extract duct shall be maintained and replaced in whole or in part as often as required to ensure compliance with the noise levels approved by the Local Planning Authority.

REASON: To ensure that the proposed development does not give rise to noise and odour / fume nuisance to neighbouring residents in accordance with saved policies D4 and EM25 of the Harrow Unitary Development Plan (2004).

5 Any plant and machinery, including that for fume extraction, ventilation, refrigeration and air conditioning, which may be used by reason of granting this permission, shall be so installed, used and thereafter retained as to prevent the transmission of noise, vibration, and odour / fume into any neighbouring premises.

REASON: To ensure that the proposed development does not give rise to noise and odour / fume nuisance to neighbouring residents in accordance with saved policies D4 and EM25 of the Harrow Unitary Development Plan (2004).

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

REASON: to safeguard the appearance of the locality and to comply with saved Policy D4 of the Harrow Unitary Development Plan (2004).

7 The development hereby permitted shall be carried out in accordance with the following approved plans: JC-LC-EP, JC-LC-EE, JC-LC-FE, Design and Access Statement, Noise Report.

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

## **INFORMATIVES**

### **1 REASON FOR GRANT OF PLANNING PERMISSION**

The proposed change of use of the subject unit from an A1 shop to an A3 restaurant and A5 hot food takeaway is considered to be an appropriate use for the premises. The proposal would not be out of keeping with the character and appearance of the area and subject to the conditions attached, would not have an undue impact on residential amenity or raise any significant issues in relation to traffic, parking, refuse, storage and disposal or accessibility. The decision to grant planning permission has therefore been taken having regard to the National Planning Policy Framework 2012, the policies of The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation, as outlined in the application report:

Saved Policies of the London Borough of Harrow Unitary Development Plan (2004):

EM20 – Change of Use of Shops Outside Town Centres

D4 – The Standard of Design and Layout

EM25 – Food, Drink and Late Night Uses

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C17 – Access to Leisure, Recreation, Community and Retail Facilities

Supplementary Planning Document – Access for All (2006)



## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 PARTY WALL ACT:

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

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

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

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

Please quote Product code: 02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 4 COMPLIANCE WITH PLANNING CONDITIONS

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

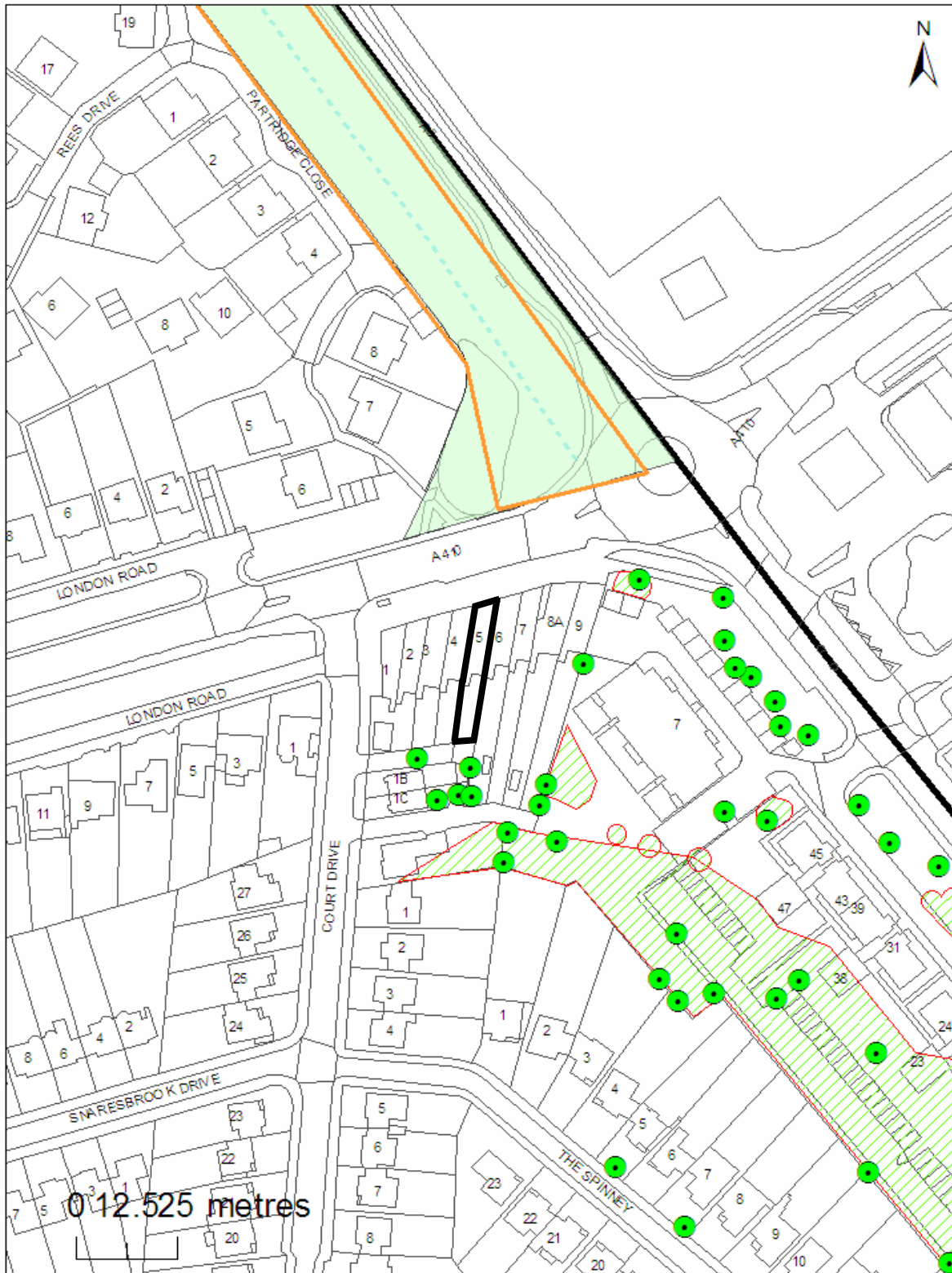
- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of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

## 5 LITTER BIN OUTSIDE PREMISES

**INFORMATIVE:** the applicant is requested to liaise with the Council's Highways Enforcement Section with regard to the provision of an additional litter bin, or appropriate alternative, outside the premises. The applicant is asked to ensure that this is emptied at regular intervals and that the Public Highway outside the premises is kept litter-free.

Plan Nos: JC-LC-EP, JC-LC-EE, JC-LC-FE, Design and Access Statement, Noise Report.

# 5 CANONS CORNER, EDGWARE



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Item No. 2/05 & 2/06

Address: 776 KENTON LANE, HARROW

Reference: P/2069/12 & P/2110/12

Description: DEMOLITION OF EXISTING TWO STOREY WING AND SINGLE STOREY REAR PROJECTION; NEW TWO STOREY SIDE TO REAR EXTENSION; INTERNAL AND EXTERNAL ALTERATIONS TO FACILITATE REFURBISHMENT OF PROPERTY AS SINGLE FAMILY DWELLINGHOUSE; ASSOCIATED LANDSCAPING, PARKING AND ACCESS  
&  
LISTED BUILDING CONSENT: DEMOLITION OF EXISTING TWO STOREY WING AND SINGLE STOREY REAR PROJECTION; NEW TWO STOREY SIDE TO REAR EXTENSION; INTERNAL AND EXTERNAL ALTERATIONS TO FACILITATE REFURBISHMENT OF PROPERTY AS SINGLE FAMILY DWELLINGHOUSE; ASSOCIATED LANDSCAPING, PARKING AND ACCESS

Ward: HARROW WEALD

Applicant: MR CIARAN HOROHOE

Agent: HERITAGE COLLECTIVE LLP

Case Officer: NICHOLAS RAY & LUCY HAILE

Expiry Date: 21-SEP-12

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## **RECOMMENDATION**

**GRANT** planning permission and listed building consent for the development described in the application and submitted drawings, subject to conditions.

## **REASON**

The harm to the special interest of the listed building in terms of the loss of built fabric would be outweighed in this instance, since this would allow access to the most significant part of the listed building (the medieval timber frame) for necessary urgent repairs to ensure its continued survival. The harm would therefore be less than substantial and the proposed extensions would preserve the special interest of the building, would be appropriate in terms of scale and appearance and would not unduly impact on neighbouring amenity. The proposal, subject to conditions set out at the end of this report, would enable the restoration of this building at risk to provide a modern family dwelling and there would be no undue heritage, amenity, transport or other impact that would warrant refusal of planning permission or listed building consent. The proposal would therefore accord with relevant policies contained within the National Planning Policy Framework, The London Plan (2011), the Harrow Core Strategy (2012) and saved policies of the Harrow Unitary Development Plan (2004).

## INFORMATION

These applications are reported to Planning Committee as they propose part demolition and major external and internal alterations to a Grade II listed building and therefore fall outside Category 2 of the Scheme of Delegation.

### Summary

Statutory Return Type: (E)21 Householder Development & (E)23 Listed Building Consents

Council Interest: None

### Site Description

- Site comprises a vacant, Grade II listed detached dwellinghouse dating to the 16th century located amongst mostly 1930s semi-detached suburban houses.
- In an advanced state of decay, it has been listed on English Heritage's 'Heritage at Risk' register for several years due to its vulnerable condition.
- The two-bay timber-framed core is late medieval with high evidential values embodied within, although the list description reads: 'Probably early C18. Partially timber framed. Rendered. Two-bays, with narrow recessed entrance door between. Left bay of 2-storeys, one window with hipped tiled roof. Right bay, 2-storeys with upper-storey lit by small central dormer in hipped tile roof. Behind is a higher gabled rear wing with pantiling'.
- Site recently subdivided as part of an enabling development scheme under planning permission reference P/3505/10 (granted 2010) to provide a new detached single family dwelling house on the northern section of the site (776A Kenton Lane) not to be occupied until 776 Kenton Lane is restored.
- Exterior:
- 776 Kenton Lane's core extends along the southern boundary and comprises a two bay timber-framed core dating to the late 16th/early 17th century with pitched roof covered in pan-tiles.
- At front (eastern) and rear (western) ends are single bay late 18th century/early 19th century extensions. The western one has a hipped plain tiled roof and central dormer, whilst the eastern is similar but without dormer.
- A 2 storey wing was built to the north around 1880. It effectively doubles the western frontage, is square in plan, again of two storeys and with a pyramidal roof covered in plain tiles and is connected to the southern range by a through bay.
- Rough cast white painted cement render covers the elevations.
- Interior: In the northern range there is a single room at ground floor and first floor, and the southern range is divided into four rooms with the central two set either side of a brick chimney stack inserted through the timber frame which provides support to the building's structure.
- Historical Development/Significance
- The strongest and most apparent values attributed to 776 Kenton Lane relate to its medieval core, and it is this part of the site that is overwhelmingly of highest significance. It possesses strong evidential value with much surviving original timber framing reflecting Middlesex techniques and traditions of the late medieval period. It illustrates rural Middlesex prior to suburbanisation. It has potential to yield new information on a range of topics such as the original form and extent of the building, its use and the role of its fragmentary smoke bay.
- During the early 18th century the central chimney stack was added which is of significance.

- In the late 18th/early 19th century minor wall studs and infill panels were replaced with brickwork and lean to extensions were added to the east and west and in 1883 the render was added. The render and brickwork panels accelerating the ruination of the building since the render was not breathable and similarly brick infill panels caused damp and rot. In the late 1880s/1890s a new range was added to the eastern part, set to the north and connected by a through passage running east to west.
- The early and late 19th century additions hold relatively little heritage significance and are of poor quality but have some historical value for illustrating the story of the house's sharp decline in status and reinterpretation in the 19th century. However, aesthetic values expressed in the craftsmanship and vernacular timber-framed construction of the late medieval core, have been harmed by the early 19th century gable extensions, the damaging interior alterations that occurred in their wake, and the architecturally indifferent and poorly constructed 1880 wing.
- Condition
- The medieval timber-frame whilst largely intact is heavily decayed so it no longer performs a structural role so urgent action is needed for this most significant fabric to survive.
- Damp has largely caused its decay due to: failures of roof covering and rainwater goods, lateral water penetration and cement render not allowing the building to breathe.
- The timber-frame is held and supported by brickwork/infill panels, ground floor walls and partitions, central chimney stack, external render and inserted props (some suffering decay).
- The condition of the two 18th century extensions is such that they are considered beyond practicable and economic repair.
- The full extent of disrepair to the timber frame will be unknown until the cement render, mortar and bricks to wallplates are removed.

### **Proposal Details**

- Demolish:
- The northern range - a two storey late 19th century, brick side extension visible from Kenton Lane.
- The front and rear 18th century/early 19th century lean-to additions to the medieval core.
- Repairs
- Temporary support to medieval timber frame via structural scaffold, strapping and bracing.
- Remove render, brickwork infill panels and roof coverings around the timber frame to fully expose it allowing assessment of condition and access for repairs.
- Once the timber-frame is exposed: provide a detailed method statement for repair likely to include replacement of severely decayed parts and timber and metal strap repairs.
- Construct a modern structural frame to support the historic timber frame and support the historic roof structure.
- Record and dismantle the historic, possibly medieval, floor in the medieval core since this requires extensive repair and strengthening and this would improve access to the timber frame. Reinstate floor once repair to timber frame is complete.
- External Alterations/Extensions
- Following demolitions of the less significant elements and repairs to the medieval core:
- A new front lean-to extension to the medieval core imitating the form of the existing

lean-to, but set slightly back from the public footpath to provide defensible space as a buffer and a new extension to the rear of the medieval core, broadly in the form of a traditional crosswing.

- The new timber frame and existing roof would be insulated and the timber frame rendered externally with white lime to match the original finish.
- The roof would be covered in plain clay tile and new double glazed windows installed as no original windows are in place.
- Security lighting to the front, side and rear.
- On the north side and visible from Kenton Lane, a two storey side extension would be built, slightly narrower than the existing two storey range to be demolished and sited below the roof line of the listed building.
- The new side to rear extension would have a maximum depth of 6.75 metres beyond the main medieval part of the dwelling and a maximum width of 9.4 metres. The first floor accommodation would be contained within the roofspace with front and rear dormers.
- All extensions to have their top storey partly contained within the roof and in matching render and clay tiles.
- Insert new double glazed painted timber casement windows to match existing location and size of window openings.
- Internal alterations
- Insert a kitchen within the rear room of the medieval core.
- Insert a new insulated waterproof and underpinned structural floor slab at new lowered floor level.
- Landscaping
- Reposition the boundary between 776A Kenton Lane and 776 Kenton Lane to create a vehicle access for both properties with associated landscaping.

### **Relevant History**

P/2223/08 & P/2224/08

Demolition of existing garage and ground floor store and w/c; two storey rear extension; new double garage with store over; external alterations including rooflight on north elevation and replacement windows

Granted : 16-OCT-08

P/3505/10

Two storey detached dwelling house; associated parking, refuse and landscaping

Granted : 23-MAR-11

### **Pre-Application Discussion**

Informal discussions have taken place with Council officers and English Heritage.

### **Applicant Statements**

- Heritage Statement.
- Historic Building Record Report.
- Condition Report.
- Design and Access Statement.

### **Consultations:**

*English Heritage:* In summary, English Heritage 'support the proposals, which would secure the long term future of this important vernacular listed building, subject to

conditions which we recommend are applied'. 'Based on an assessment of the relative significance of the various elements of the building, English Heritage considers that the proposals to demolish the early 19th century extensions, and the late 19th century wing, are justified in order to preserve the high evidential values embodied in the late medieval timber framed core building'.

*Highways Authority:* As the principle of this enabling development at 776 has been through and approved by committee, there are no specific concerns with the proposals. Access provisions on the highway are in existence and hence will remain unaltered which is acceptable. One parking space per dwelling is proposed which is in line with The London Plan 2011 requirements in the context of the relative unsustainability of the location. As the spaces are gapped there will be adequate space for pedestrian movement into and out of both addresses. In terms of visibility splays the standard HWY\_VIS 3 condition should be applied to address the flank boundary treatment of No's 776a & 778 in order to ensure the best possible splay on safety grounds. I would suggest that any boundary treatment such as the planting shown is stepped back into the site for an approximate depth of 1 metre with a height not exceeding 0.6m to assist matters. There should be secure and accessible cycle parking provision with at least one space per unit in line with the LP 2011.

*Drainage Engineer:* Conditions recommended in relation to surface water drainage and sewage disposal.

**Site Notice:** 24-AUG-12

Expiry: 14-SEP-12

**Advertisement (Harrow Obs):** 23-AUG-12

Expiry: 13-SEP-12

**Notifications:**

Sent: 16                      Replies: 0      Expiry: 10-SEP-12

**Addresses Consulted:**

- 6-14 (even) Drummond Drive;
- 772-784 (even) Kenton Lane;
- 715-725 (odd) Kenton Lane;

**Summary of Response:**

- None received.

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**MAIN CONSIDERATIONS AND POLICIES (National Policy, The London Plan 2011, Harrow Core Strategy 2012 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)**

- 1) Character and Appearance of the Listed Building (NPPF, 7.4, 7.6, 7.8, CS1, CS7, D4, D9, D11, SPD)
- 2) Residential Amenity (D5, SPD)
- 3) Traffic, Parking and Drainage (EP12, T6, T13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

## APPRAISAL

### 1) Special Interest of the Listed Building

The proposals are to demolish the late 18th/early 19th century and late 19th century extensions leaving the medieval timber-framed core in tact. It is also to provide temporary support to the medieval timber frame via structural scaffold, strapping and bracing and to remove the render and roof covering to the medieval core to expose the timber frame to access it for repairs for which a method statement would follow. These would likely include: replacement of severely decayed parts, timber and metal strap repairs and construction of a modern structural frame to support the historic timber frame. Finally, it is proposed to construct a two storey front (western) and rear (eastern) extension to the medieval core and a two storey side extension on the north side and provide a new roof covering to the whole building, double glazed windows and external lime render finish. Internal alterations include inserting a kitchen in the medieval core and a new structural floor. Security lighting is proposed to the front, side and rear. The acceptability of the proposed works must be assessed against the need to preserve the special character of the Listed Building, having particular regard to the National Planning Policy Framework, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

The National Planning Policy Framework (NPPF) paragraph 128 states: 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'. Paragraph 129 states 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise'. Paragraph 131 states: 'In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets'. Paragraph 132 states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. London Plan policy 7.8 D states 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'. Harrow Core Strategy policy CS1 part D states 'Proposals that would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged'. Saved Harrow UDP policy D11 states that: '*The Council will ensure the protection of the borough's stock of Listed Buildings by 'only permitting alterations...that preserve the character...of the Listed Building and any features of architectural or historic interest which it possesses'.*

### Demolitions

English Heritage supports 'the proposals to demolish the late 18th/early 19th century extensions, and the late 19th century wing' stating they 'are justified in order to preserve the high evidential values embodied in the late medieval timber framed core building' and 'the proposals represent the most effective way to ensure that as much of the significant historic timber as possible is retained'. The proposed demolition works to the 18th



century/early 19th century front and rear bay extensions and the 19th century side extension would allow for urgent repair works to the medieval timber framed core which is in a very poor condition. As confirmed by an investigation by a historic buildings surveyor, the constructional detailing and condition of these additions would make it difficult to implement successful repairs if they were retained and their condition is such that they are considered beyond practicable and economic repair. Whilst the late 19th century extension is in a reasonable condition, it is of much lower order significance than the medieval core and its removal would dramatically improve the setting of the principal, most significant, part of the listed building.

In assessing the acceptability of a proposal, the NPPF allows for the harm to be weighed against the public benefits. Paragraph 134 similarly states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. There would be substantial public benefits from the proposed demolition works since they would allow access to the most significant part of the listed building (the timber frame) for necessary urgent repairs to ensure its continued survival. The harm to significance would also be relatively small since the later extensions are of relatively small significance. Therefore, as English Heritage conclude, 'the less than substantial harm that would be caused to the significance of the Hermitage by the demolition of the 19th century extensions is clearly outweighed by the public benefits associated with preserving the significant medieval timber frame and securing an optimum viable use for a listed building that has been empty and at risk for many years'. This aspect of the proposal would therefore preserve the special character of the Listed Building.

It is very important that any demolition works approved are conducted in a manner that would avoid any damage to the medieval core (including the later yet significant chimney) and that allowed for recording of any uncovered historic elements as required, particularly any details of original construction revealed by exposing the timber frame. This would be in accordance with NPPF paragraph 141 which states developers should be required 'to record and advance understanding of heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and to make this evidence (and any archive generated) publicly accessible'. Suitable conditions as suggested by English Heritage have been recommended.

### Repairs

The proposal to install a temporary support to the medieval timber frame via strapping and bracing and a structural scaffold is necessary since the timber frame is in such a poor condition that it needs temporary support to prevent loss of important historic fabric. Also, it is proposed to remove historic render, brickwork infill panels and roof coverings around the timber frame that help provide it with structural support. This is necessary in order to fully expose the timber frame to allow assessment of condition and access for repairs. Whilst this historic fabric to be removed is of significance as part of the listed building, it is not as old or significant as the medieval timber frame itself which would not survive unless access is made for repair. Also, historic bricks salvageable for re-use could be reused in the new elements of the listed building e.g. the new chimney stack. A suitable condition suggested by English Heritage is recommended to ensure the reuse of the brickwork. The public benefits of the proposal (preservation of the most significant historic fabric) would therefore outweigh the harm.

Other likely repairs to the timber frame proposed include replacement of severely decayed parts and timber and metal strap repairs. All repairs are appropriate as they

would retain as much of this significant historic fabric as possible. For this reason the construction of a modern structural frame to support the historic timber frame and historic roof structure is proposed. This would be appropriate as otherwise the medieval timber frame would need to be substantially altered to accommodate repairs to make it capable of performing a structural role. Details have been provided to show that this frame would be constructed of natural and breathable materials to ensure it would not harm the medieval core. A detailed method statement would be necessary though to ensure the repairs proposed to the medieval timber frame once exposed are appropriate for the listed building. A suitable condition, as suggested by English Heritage, is recommended.

The proposal is also to record and dismantle the historic, possibly medieval, floor in the medieval core and then reinstate it once repair works to the timber frame are completed. This is appropriate since the floor requires extensive repair and strengthening and it would improve access to the timber frame for repairs. This aspect of the proposal would therefore preserve the special character of the Listed Building.

### External alterations/ Extensions

The design of the proposed new side and rear extensions would be in keeping with and sympathetic to the listed building due to their siting, scale and design. English Heritage's view is that the design is appropriate as 'The new extension comprises a two-storey rear addition on the same axis as the medieval core, and a new crosswing off this to the north. By dropping the ridge of the extension, the primacy of the medieval core is emphasised, and the extension is clearly understood as a new component of the building. The design is simple, with a pitched roof and half dormers to the front and rear of the crosswing, similar in design to that on the existing lean-to fronting Kenton Lane. New windows and joinery details can be specified to respect the age and character of the listed building'. A relevant condition is therefore recommended for this. Extensions would be located towards the rear and side so that the original core of the building would still be visible. All the new extensions would be set back from the rear line of the 16th/17th century historic core of the listed building to be retained. This would ensure that the extensions showed some subservience to the original building. Originally, the two storey side extension was set forward so that its front building line was in line with the historic core. Setting the replacement two storey side extension further back would allow prominence to the historic core appropriate to its significance. The proposed replacement front extension would be of very similar design to that which is being replaced to ensure a continuity of character, but it would be set-back from the public footpath to provide some defensible space and to protect the listed building. The pitched roofs are included in the design to link in with the design of the house. The extensions would be constructed of traditional materials, principally timber, in keeping with the character of the listed building. This aspect of the proposal would therefore preserve the special character of the Listed Building.

Security lighting is proposed to the front, side and rear. This is acceptable in principle since it would help ensure the long-term security of the listed building and it would be possible to install this whilst preserving the traditional character and setting of the listed building. However, the location and details for this have not been provided. A suitable condition is therefore recommended to ensure details are provided and that they would not be fixed to the listed building as per English Heritage's recommendation.

The historic core and remainder of the building would be finished in breathable lime render to ensure that there were not damp issues that have contributed to 776 Kenton Lane's disrepair. This would also be appropriate as this would have been the original

finish of the listed building and as English Heritage state 'it would unify the appearance of the building'. Also, the non-original windows would be replaced with double glazed timber windows and it is proposed to cover the roof of the core of the listed building in plain clay roof tiles which is suitable since plain clay roof tiles are historically appropriate. A condition is recommended to ensure that a specification of materials including render, insulation, window and joinery details and roof tiles are provided to the local planning authority in consultation with English Heritage and approved in writing before the relevant work is begun to ensure that these are of a high quality specification.

It is important that the finish to the Listed Building would be uncluttered and of a high quality appropriate to its listed status and in keeping with its current character. Further suitable conditions are therefore recommended, as suggested by English Heritage. For example, two conditions are recommended to ensure that no further plumbing, pipes, soilstacks, flues, vents, ductwork, grilles, security alarms, lighting, camera or other appurtenances should be fixed to the external surfaces of the listed building unless shown on the approved drawings and that all new works and finishes shall match existing adjacent work. Similarly, a condition is recommended to ensure that all new external rainwater goods and soil pipes on the visible elevations shall be of cast iron, painted black and that new joinery work shall match existing joinery work.

#### Internal alterations

The proposed insertion of a kitchen in the medieval core is sensitive due to the fixtures and fittings required. However, this can be addressed as long as the fixtures and fittings are fixed only to the ground wherever possible and the location of services is sensitive to the historic fabric. The high importance of the historic timber frame also means that this should not be damaged by the new and relocated services and related fixtures. A suitable condition is therefore recommended to ensure prior approval of the Council shall be obtained wherever installations of all new and relocated services are to be visible, or where ducts or other methods of concealment are proposed, particularly where these would affect the kitchen and/or historic timber frame.

#### Archaeology

Conditions are recommended by English Heritage in relation to a scheme of archaeological work and investigation, to be carried out during construction work, in view of the potential for historic remains to be found around the building.

#### Landscaping

The details for the landscaping have not been provided but the proposals show sufficient space to the front and side to provide a buffer to the listed building. A suitable condition is recommended to ensure details for landscaping are provided.

## **2) Residential Amenity**

Under Part B of saved policy D5 of the Harrow UDP, development must maintain adequate separation between adjoining buildings and property boundaries to protect the privacy and amenity of all occupants.

In order to protect neighbour amenity, paragraph 6.28 of the SPD specifies that two storey rear extensions should not interrupt a 45 degree splay line in a horizontal plane, taken from the nearest first floor or two storey rear corners of any next door dwelling. Paragraph 6.32 goes on to state that proposed side extensions adjoining a protected window should not interrupt an upward plane angled at 45 degrees from the lower edge of that window. The 45 degree code is intended to maintain reasonable distances

between existing buildings and extensions and to avoid overbearing visual impacts in terms of bulk and proximity to boundaries both from inside adjacent properties and from neighbouring gardens as well as reduced loss of light.

The rebuilt single storey front element would not result in any additional impact on neighbours, but the proposed two storey side to rear extension would result in additional bulk in this part of the site.

In relation to the impact on the adjacent property to the south, No.774, the proposed extension would not project beyond the single storey element of that property and the first floor element does not have a habitable room window in the rear elevation. There are no protected windows in the flank wall of this property facing the application site and the proposed extensions would therefore not result in unacceptable overshadowing or overbearing impact.

In relation to the impact on the adjacent property to the north, No.776a (the infill dwelling approved under P/3505/11 and now substantially complete), it is noted that the proposed extension would sit adjacent to ground floor windows facing the application site. However, the main impact would be on the flank kitchen window of No.776a, which is not protected, and there would be minimal impact on the flank living room window. In addition, the demolition of the existing northern two storey bay would result in some improvement in terms of compliance with the 45 degree code on the horizontal plane from No.776a. On balance, the impact is considered to be acceptable.

No flank wall windows are proposed in the extensions and the level of overlooking that would be experienced from the proposed first floor rear windows would be oblique and similar to the existing suburban context, whereby upper floor windows overlook neighbouring gardens.

The proposed extensions would therefore not unduly impact on the amenities of neighbouring residents and would comply with saved UDP policy D5 and the SPD. The proposed security lighting would be modest and domestic in scale, and would therefore be acceptable, subject to a condition requiring details to be submitted and approved.

### **3) Traffic, Parking and Drainage**

The Council's Highways Engineer considers the proposed access arrangements and parking provision to be acceptable, subject to a condition requiring details of the heights of boundary treatments at the front of the site. Secure cycle parking provision could be provided within the building and this would therefore be acceptable.

In line with recommendations from Drainage, conditions are recommended in relation to surface water attenuation and disposal, as well as sewage disposal.

### **4) S17 Crime & Disorder Act**

The proposal would not give rise to any concerns relating to secure by design considerations and the proposal is therefore considered to be acceptable in this regard.

### **5) Consultation Responses**

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

English Heritage's consultation response, including their suggested conditions which have been included in this recommendation, has been addressed within the assessment of the proposal section above.

## **CONCLUSION**

In summary, the harm to the special interest of the listed building in terms of the loss of built fabric would be outweighed in this instance, since this would allow access to the most significant part of the listed building (the medieval timber frame) for necessary urgent repairs to ensure its continued survival. The harm would therefore be less than substantial and the proposed extensions would preserve the special interest of the building, would be appropriate in terms of scale and appearance and would not unduly impact on neighbouring amenity. The proposal, subject to conditions set out at the end of this report, would enable the restoration of this building at risk to provide a modern family dwelling and there would be no undue heritage, amenity, transport or other impact that would warrant refusal of planning permission or listed building consent.

## **CONDITIONS**

### **P/2069/12**

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1219-PL-001; 002; 010; 020; 025; 030; 031; 032; 033; 034; 035; 040A; 050B; 060A; 061A; 065A; 070A; 071A; 072A; 073A; 074A; 075A; 3 01 Rev A; 3 02 Rev A; 3 03 Rev A; NBT Timber Frame Systems; Heritage Statement; Historic Building Record Report (Baseline Summary); Condition Report; Design and Access Statement (1219/DAS/20.07.2012 Rev A)

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

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s) shall be installed in the flank wall(s) of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents in line with the requirements of saved UDP policy D5.

4 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in line with the requirements of saved UDP policies D4 and D9.

5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in line with the requirements of saved UDP policies D4 and D9.

6 No development shall take place until the applicant has secured the implementation of a plan of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Council as planning authority.

REASON: In order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

7 A detailed design and method statement for the extent and design of all foundation and groundwork shall be submitted to and approved in writing by the Council as local planning authority in conjunction with English Heritage before the relevant work is begun, and shall be revised as necessary during the course of works. The development hereby approved shall only take place in accordance with the detailed scheme approved pursuant to this condition and shall thereafter be retained.

REASON: In order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

8 The development hereby permitted shall not be occupied until visibility is provided to the public highway in accordance with dimensions to be first agreed in writing by the local planning authority. The approved details shall be implemented on site and shall thereafter be retained in that form.

REASON: To provide a suitable standard of visibility to and from the highway, so that the use of the access does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway, in line with saved UDP policy T6.

9 The extensions hereby permitted shall not commence until details of the disposal of sewage 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 ensure that adequate drainage facilities are provided in line with the requirements of the NPPF.

10 The extensions hereby permitted shall not commence until details of the disposal of surface water have been submitted to, and approved in writing by, the local planning authority. The works shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided in line with the requirements of the NPPF and saved UDP policy EP12.

11 The extensions hereby permitted shall not commence until details of surface water attenuation / storage works have been submitted to, and approved in writing by, the local

planning authority. The works shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To prevent the increased risk of flooding in line with the requirements of the NPPF and saved UDP policy EP12.

12 The extensions hereby permitted shall not commence until details of the locations, fixings and type of exterior security lighting have been submitted and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: In the interests of the special interest of the listed building and the amenities of neighbouring residents, in line with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policies D11 and D23.

## **P/2110/12**

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

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

2 Written notification of the start of works on site shall be sent to English Heritage, London Region, 1 WATERHOUSE SQUARE 138-142 HOLBORN LONDON EC1N 2ST and a copy sent to the Council at least seven days before the works hereby approved are commenced.

REASOB: To allow for monitoring and recording in order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

3 Demolition work shall be carried out by hand or by tools held in the hand other than power-driven tools.

REASON: In order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

4 Before any work is undertaken in pursuance of this consent to demolish or to alter by way of partial demolition any part of the building, structural engineers' drawings and a method statement, indicating the proposed method of ensuring the safety and stability of the building fabric to be retained throughout the period of demolition and reconstruction, shall be submitted to and approved by the Council as local planning authority. The relevant work shall be carried out in accordance with such structural engineers' drawings method statement thus approved.

REASON: In order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

5 Works are to be monitored throughout the period of demolition and reconstruction by the LPA in conjunction with English Heritage to ensure the safety and stability of fabric to

be retained and enable recording of uncovered historic elements as required.

REASON: To allow for monitoring and recording in order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

6 Precautions shall be taken to secure and protect the interior features against accidental loss or damage, or theft during the building work. Details shall be submitted to and approved by the Council as local planning authority before works begin on site, and the relevant work carried out in accordance with such approval. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or with prior approval in writing of the Council. Particular regard should be given to the following item(s):

a. chimney

REASON: In order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

7 The following item(s) shall be carefully removed before works commence, under the supervision of a person or body specialising in this procedure appointed by the applicant and approved by the Council as local planning authority, and shall be stored under cover in a secure place and later reinstated in a manner, location and to a timetable agreed with the local authority. Written confirmation shall be given to the Council immediately following this work of the item(s) removed and their location:

a. any bricks salvageable for re-use in new elements to the listed building e.g. new chimney stack

REASON: In order to preserve as much historic fabric as possible in order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

8 The position, type and method of installation of all new and relocated services and related fixtures (for the avoidance of doubt including communications and information technology servicing), shall be specified in advance of any services being installed, and the prior approval of the Council as local planning authority shall be obtained wherever these installations are to be visible, or where ducts or other methods of concealment are proposed. Any works carried out shall be in accordance with such approval. Particular regard should be given to work affecting the following features or parts of the building:

a. kitchen

b. historic timber frame

REASON: In order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

9 No new plumbing, pipes, soilstacks, flues, vents or ductwork shall be fixed on the external faces of the building unless shown on the drawings hereby approved.

REASON: In order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.



10 No new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building unless shown on the drawings hereby approved.

REASON: In order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

11 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

REASON: In order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

12 The new joinery work shall match the existing joinery work adjacent in respect of materials, dimensions and profiles, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

REASON: In order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

13 Details in respect of the following shall be submitted to and approved in writing by the Council as local planning authority in consultation with English Heritage before the relevant work is begun. The relevant work shall be carried out in accordance with such approved details

- a. specification of materials including render, insulation
- b. window and joinery details
- c. roof tiles

REASON: In order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

14 Any hidden historic features which are revealed during the course of works shall be retained in situ, work suspended in the relevant area of the building and the Council as local planning authority notified immediately. Provision shall be made for the retention and proper recording, as required by the Council. Particular regard should be given to the following areas:

- a. details of original construction revealed by exposing the timber frame

REASON: In order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

15 All new external rainwater goods and soil pipes on the visible elevations shall be of cast iron, painted black.

REASON: In order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

## **INFORMATIVES**

### **P/2069/12**

#### **1 REASON FOR GRANT OF PLANNING PERMISSION**

The harm to the special interest of the listed building in terms of the loss of built fabric would be outweighed in this instance, since this would allow access to the most significant part of the listed building (the medieval timber frame) for necessary urgent repairs to ensure its continued survival. The harm would therefore be less than substantial and the proposed extensions would preserve the special interest of the building, would be appropriate in terms of scale and appearance and would not unduly impact on neighbouring amenity. The proposal, subject to conditions set out at the end of this report, would enable the restoration of this building at risk to provide a modern family dwelling and there would be no undue heritage, amenity, transport or other impact that would warrant refusal of planning permission or listed building consent. The proposal would therefore accord with relevant policies contained within the National Planning Policy Framework, The London Plan (2011), the Harrow Core Strategy (2012) and saved policies of the Harrow Unitary Development Plan (2004). The following policies are relevant to this decision:

#### **National Planning Policy:**

National Planning Policy Framework 2012 (NPPF)

#### **The London Plan 2011:**

7.4 – Local Character

7.6 – Architecture

7.8 – Heritage Assets and Archaeology

#### **London Borough of Harrow Core Strategy 2012:**

CS1 – Core Policy

CS7 – Stanmore and Harrow Weald

#### **London Borough of Harrow Unitary Development Plan 2004:**

EP12 – Control of Surface Water Run-Off

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

D11 – Statutorily Listed Buildings

D23 – Lighting, Including Floodlighting

Supplementary Planning Document: Residential Design Guide (2010)

#### **2 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)

### 3 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.

### 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 ARCHAEOLOGY

The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

## **P/2110/12**

### 1 REASON FOR GRANT OF LISTED BUILDING CONSENT

The harm to the special interest of the listed building in terms of the loss of built fabric would be outweighed in this instance, since this would allow access to the most significant part of the listed building (the medieval timber frame) for necessary urgent repairs to ensure its continued survival. The harm would therefore be less than substantial and the proposed extensions would preserve the special interest of the building, would be appropriate in terms of scale and appearance and would not unduly impact on neighbouring amenity. The proposal, subject to conditions set out at the end of this report, would enable the restoration of this building at risk to provide a modern family dwelling and there would be no undue heritage, amenity, transport or other impact that would warrant refusal of planning permission or listed building consent. The proposal would therefore accord with relevant policies contained within the National Planning Policy Framework, The London Plan (2011), the Harrow Core Strategy (2012) and saved

policies of the Harrow Unitary Development Plan (2004). The following policies are relevant to this decision:

National Planning Policy Framework 2012 (NPPF)

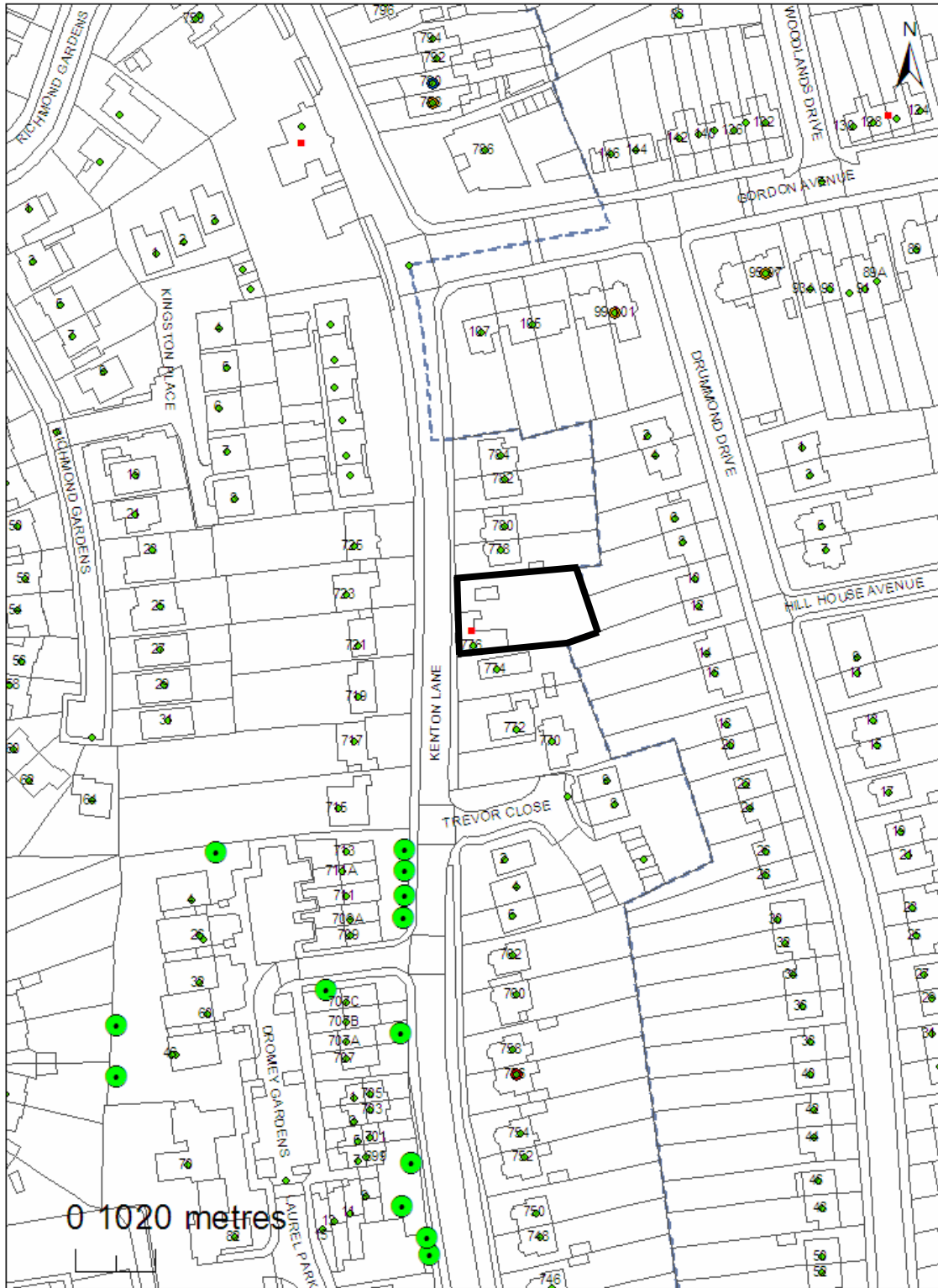
The London Plan 2011: 7.8

London Borough of Harrow Core Strategy 2012: CS1

London Borough of Harrow Unitary Development Plan 2004: D11

Plan Nos: 1219-PL-001; 002; 010; 020; 025; 030; 031; 032; 033; 034; 035; 040A; 050B; 060A; 061A; 065A; 070A; 071A; 072A; 073A; 074A; 075A; 3 01 Rev A; 3 02 Rev A; 3 03 Rev A; NBT Timber Frame Systems; Heritage Statement; Historic Building Record Report (Baseline Summary); Condition Report; Design and Access Statement (1219/DAS/20.07.2012 Rev A)

# 776 KENTON LANE, HARROW



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### SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

Item No. 3/01  
Address: 16 ALLINGTON ROAD, HARROW  
Reference: P/0531/12  
Description: REAR DORMER WITH JULIETTE BALCONY (RETROSPECTIVE APPLICATION)  
Ward: HEADSTONE SOUTH  
Applicant: MR PRADEEP SHAH  
Case Officer: CIARAN REGAN  
Expiry Date: 19/04/2012

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#### **INFORMATION**

This application was considered at the July 11th Planning Committee, where Members resolved to defer a decision on the application for Officers to consider what conditions might be appropriate to mitigate the impact of the rear dormer. This was in accordance with Paragraph 30.7 of the Council's Constitution (2010). This states:

*Where an application is recommended for refusal by the Chief Planning Officer but the Planning Committee is minded to approve ('grant') the application, the application will be deferred to the next meeting of the Planning Committee to enable re-notification to take place and give an opportunity for objectors to the application to attend the subsequent meeting and make representations.*

Accordingly, the application is now presented to Members again, with an update of the information and comments received since the previous planning committee, and a list of planning conditions to be attached to any planning permission granted. The original report is appended to this report.

#### **Notifications:**

No further comments have been submitted in response to the further neighbour consultation undertaken between August 24<sup>th</sup> and September 14<sup>th</sup>.

#### **Applicant Statement:**

The applicant has provided no further statement in support of the development.

#### **CONCLUSION:**

Should Members be minded to approve the planning application, contrary to Officers original recommendation for refusal, they are advised that no condition(s) are recommended, i.e., any grant of permission should be unconditional.

Item No. 3/01  
Address: 16 ALLINGTON ROAD, HARROW  
Reference: P/0531/12  
Description: REAR DORMER WITH JULIETTE BALCONY (RETROSPECTIVE APPLICATION)  
Ward: HEADSTONE SOUTH  
Applicant: MR PRADEEP SHAH  
Agent: N/A  
Case Officer: CIARAN REGAN  
Expiry Date: 19/04/2012

### RECOMMENDATION

**REFUSE** permission for the development described in the application and submitted plans for the following reason(s):

### REASON

1 The rear dormer, by reason of its siting and excessive bulk and massing, has created an unattractive, incongruous and over-dominant expanse of end gable wall which is particularly visually prominent in the street scene to the detriment of the character and appearance of the dwellinghouse and the surrounding area, contrary to policies 7.4B and 7.6B of The London Plan (2011), core policy CS1.B of the Harrow Core Strategy (2012), saved policy D4 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

### INFORMATION:

This application is reported to Planning Committee as the proposal is potentially controversial and is of significant public interest subject. It is therefore excluded by proviso E of the Scheme of Delegation dated 14 March 2012.

Statutory Return Type:	21 - Householder
Council Interest:	None
Site Area:	200sqm approx. (0.02ha)
Gross Proposed Internal Floorspace:	N/A
Existing Gross Internal Floorspace:	N/A
Net Additional Floorspace:	N/A
GLA Community Infrastructure (CIL) Contribution:	None

### Site Description

- End of terrace two-storey dwelling set back 3m from the back of the footpath on north side of Allington Road.
- The streetscene is characterised by terraced houses.
- The property has a flat roofed garage at front which has been converted to a

habitable room.

- The garages at the front of the dwellinghouses on Allington Road project 2.6m forward of the front building line thereby creating a 2.6m wide recessed area at the front of the property.
- The property originally had a 12m deep rear garden (it is 9m deep now following completion of a single-storey rear extension).
- The property has been extended with a single storey rear extension and roof alterations to form a rear dormer; a window in the gable end; and two rooflights in the front roofslope.
- Since the last application was considered it has come to light that the dimensions of the extensions built on site exceed those for which a Certificate of Lawfulness was granted. An additional roof light was also inserted into the front roof slope but, of itself, this does not require planning permission providing it does not project more than 15 centimetres above the surface of the roof (which it does not appear to).

### **Proposal Details**

- The retention of a rear dormer with Juliette balcony finished with tile hanging.
- 6.86m wide x 3.89m deep x 2.79m high.

### **Revisions to previous application**

- N/A

### **Relevant History**

P/2506/10

SINGLE STOREY FRONT EXTENSION

REFUSED: 23-Jun-2010

DISMISSED AT APPEAL:

24-Feb-2011

### **Reason for Refusal:**

1. The proposed front extension, by reason of poor design, would be visually obtrusive in the streetscene and would be out of character with the pattern of development in the area, to the detriment of the visual amenities of the area and of neighbouring occupiers, contrary to policies 4B.1 and 4B.8 of the London Plan (2008), saved policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Guidance, Extensions: A Householder's Guide (2008).

P/0968/10

SINGLE STOREY FRONT EXTENSION

REFUSED: 23-Jun-2010

### **Reason for Refusal:**

1. The proposed front extension, by reason of poor design, would be visually obtrusive in the streetscene and would be out of character with the pattern of development in the area, to the detriment of the visual amenities of the area and of neighbouring occupiers, contrary to policies 4B.1 and 4B.8 of the London Plan (2008), saved policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Guidance, Extensions: A Householder's Guide (2008).

P/1580/09



CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: SINGLE STOREY REAR EXTENSION; ALTERATIONS TO ROOF TO FORM REAR DORMER; WINDOW IN GABLE END; ROOFLIGHT IN FRONT ROOFSLOPE.  
GRANTED: 07-Oct-2009

WEST/676/01/VAR  
VARIATION OF CONDITION 5 OF PLANNING PERMISSION HAR/20512/C TO ENABLE USE OF GARAGE AS HABITABLE ROOM)  
GRANTED: 14-Sep-2001

HAR/20512/H  
38 TERRACED HOUSES/59 GARAGES  
GRANTED: 14-Apr-1965

### **Pre-Application Discussion**

- None

### **Applicant Submission Documents**

- None

### **Consultations**

**Newspaper Advertisement:** N/A

**Site Notice:** N/A

### **Neighbourhood Notifications:**

Allington Road: Nos: 14, 18, 20, 22 and 24  
Kingsfield Avenue: Nos: 65 and 67

Sent: 7

Replies: 2

(One of the two replies received is a petition in support of the application signed by 61 persons. The other reply is a letter of objection.)

Expiry: 04/04/2012

### **Summary of Responses:**

#### *In objection:*

- Loss of privacy
- The rear dormer does not appear to have an acceptable relationship with the neighbouring properties and the wider street / back garden scene.

#### *Petition in support:*

- The application should be approved and should be considered by the Planning Committee so that issues related to the approval of application ref. P/1580/09 (see details above) together with minor amendments made to the dormer/extension can be openly discussed and so that Members can undertake a site visit to examine the dormer and its impact before making a decision if necessary.

### **APPRAISAL**

## MAIN CONSIDERATIONS

- 1) Character and Appearance of the Area
- 2) Impact upon Residential Amenity
- 3) S17 Crime & Disorder Act 1998
- 4) Consultation Responses

### 1) Character and Appearance of the Area

This retrospective application has been submitted as the rear dormer has not been constructed in accordance with the plans that were approved for the Lawful Development Certificate (P/1580/09) and therefore this development is not a lawful development but rather, requires planning permission.

The most obvious way in which the development, as built, fails to comply with 'permitted development' regulations (for extensions and/or alterations to dwellinghouses) is in the fact that it has raised the height of the original roof, thereby increasing the overall height of the original dwellinghouse. It is also apparent that the bright orange colour of the newly laid concrete pantile roof is less than sympathetic to the neighbouring dwellings in the terrace and the surrounding area in general. This matters because one of the conditions of permitted development (assuming all other relevant permitted development limitations have already been adhered to) is that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The submitted plans indicate that the original 8.1m height of the dwellinghouse has been increased to 8.25m, an increase of 15 centimetres (or 6 inches).

The dormer does not comply with the design guidance contained in the Council's adopted SPD: Residential Design Guide (2010) as it was designed not with this SPD in mind but rather with the intention of maximising the size of the rear dormer that could be built while still adhering to the permitted development regulations. Therefore it is evident, for example, that it has not been set in from either the gable end (here the SPD states there should be a 1m set-in) or the party wall boundary (here the SPD states there should be a 0.5m set-in) with the adjoining dwelling at No. 14 Allington Road, but rather, it extends the full width of the dwelling. The SPD also advises that, (admittedly ideally) rear dormers should be set down from the roof ridge by 500mm.

It should also be appreciated that being the dwelling at the end of this terrace together with the fact that there is a significant break in the street scene due to the existence of a car parking area at the side, the side gable of the property is quite prominent in the street scene.

Intrinsic to the character and appearance of this terrace of five dwellings is the regular, even step down of the roof ridges from No. 8 at the far end down to No. 16 at the opposite end. This original pattern of stepping down the heights of the dwellings is not pronounced. Rather, the ground-level falls only gently along the terrace such that the step down of the roof ridges appears to be little more than 15 centimetres each time. While the dormer has raised the roof ridge of No. 16 by 15 centimetres, there does still remain a clear visual break between it and the dwelling at No. 14 next door because, looking at the development directly side on, the new ridge, while higher, has been set approximately 55 centimetres (21 inches) to the rear behind the line of original ridge. This has meant that the profile of the front roof slope remains as it was originally (i.e., the front roof slope has

not been vertically raised). As such, even though the overall height of the dwelling has increased, the difference in the height of the front roof slopes between Nos 16 and 14 has not changed, therefore nor has the intervening run of lead flashing where the edges of the front roof slopes meet changed, nor indeed has the original step down of the eaves at the front been altered.

The greater visual harm is the altered appearance of the dwelling's end gable wall. The dormer has effectively been created by simply building up the gable end at the rear. As such the characteristic pitched roof side profile of the original dwellinghouse has been lost and an over dominant and unattractive large expanse of wall with an oddly-shaped side profile has been created in its place. This is particularly visually prominent in the street scene due to the adjacent car parking area which creates a large gap in the street scene. In short, the harm occurring from the non-compliance of the rear dormer with the SPD is readily visible within the public realm.

The applicant has cited personal circumstances and hardship which he wishes to be taken into account. While the circumstances are fully understood and can be considered as a material consideration it should be noted that national guidance contained within 'The Planning System: General Principles' advises that 'Unless otherwise specified, a planning permission runs with the land.', and that, 'Exceptionally, however, the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of the local community, may be material to the consideration of a planning application. In such circumstances, permission may be made subject to a condition that it is personal to the applicant. Such arguments will seldom outweigh the more general planning considerations, however.' (emphasis added). Accordingly, only very limited weight can be given to this consideration. As such, it is considered that these circumstances, however genuine, are not sufficient to outweigh the harm that has been identified.

It has also been noted that the front roof slope has been retiled with concrete pantiles. These are less than sympathetic in appearance and ideally a better matching colour would have been used. However, the roof will weather over time and consequently it will not stand out from the other original roofs in the terrace and beyond as much in the future. As such, any currently perceived harm will recede to create an acceptable situation over time.

In summary, it is considered that the existing rear dormer for which retrospective planning permission is sought fails to comply with policies 7.4B and 7.6B of The London Plan (2011), core policy CS1.B of the Harrow Core Strategy (2012), saved policy D4 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010) and should therefore be refused.

## **2) Impact upon Residential Amenity**

The objector to the application has suggested that the rear dormer has resulted in the loss of privacy to neighbouring properties. However, a degree of overlooking is not uncommon in built-up urban areas and therefore any perceived additional overlooking of any neighbouring land arising from the presence of the rear dormer (which only has windows in its rear elevation, one of which is an obscure-glazed shower/WC-room window) is not considered to be harmful in planning terms.

In summary, the impact of the rear dormer upon residential amenity is considered satisfactory and would comply with policy 7.6B of The London Plan (2011), saved policy

D5 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

### **3) S17 Crime & Disorder Act 1998**

The rear dormer has no adverse impact upon community safety issues and so complies with policy 7.3B of The London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004)

### **4) Neighbour Consultation Responses**

Insofar as they have raised relevant planning matters, these have been addressed in full in the preceding sections of the appraisal above.

## **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 refusal.

## **INFORMATIVES**

1 The decision to refuse permission has been taken having regard to the policies, proposals and guidance in the National Planning Policy Framework (2012), The London Plan (2011), Harrow Unitary Development Plan (2004) and Harrow Core Strategy (2012) which are set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

### **National Planning Policy Framework (2012)**

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

7.3 - Designing out crime

7.4 - Local character

7.6 - Architecture

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

Core Policies CS1.B

#### **Harrow Unitary Development Plan (2004) (saved policies only)**

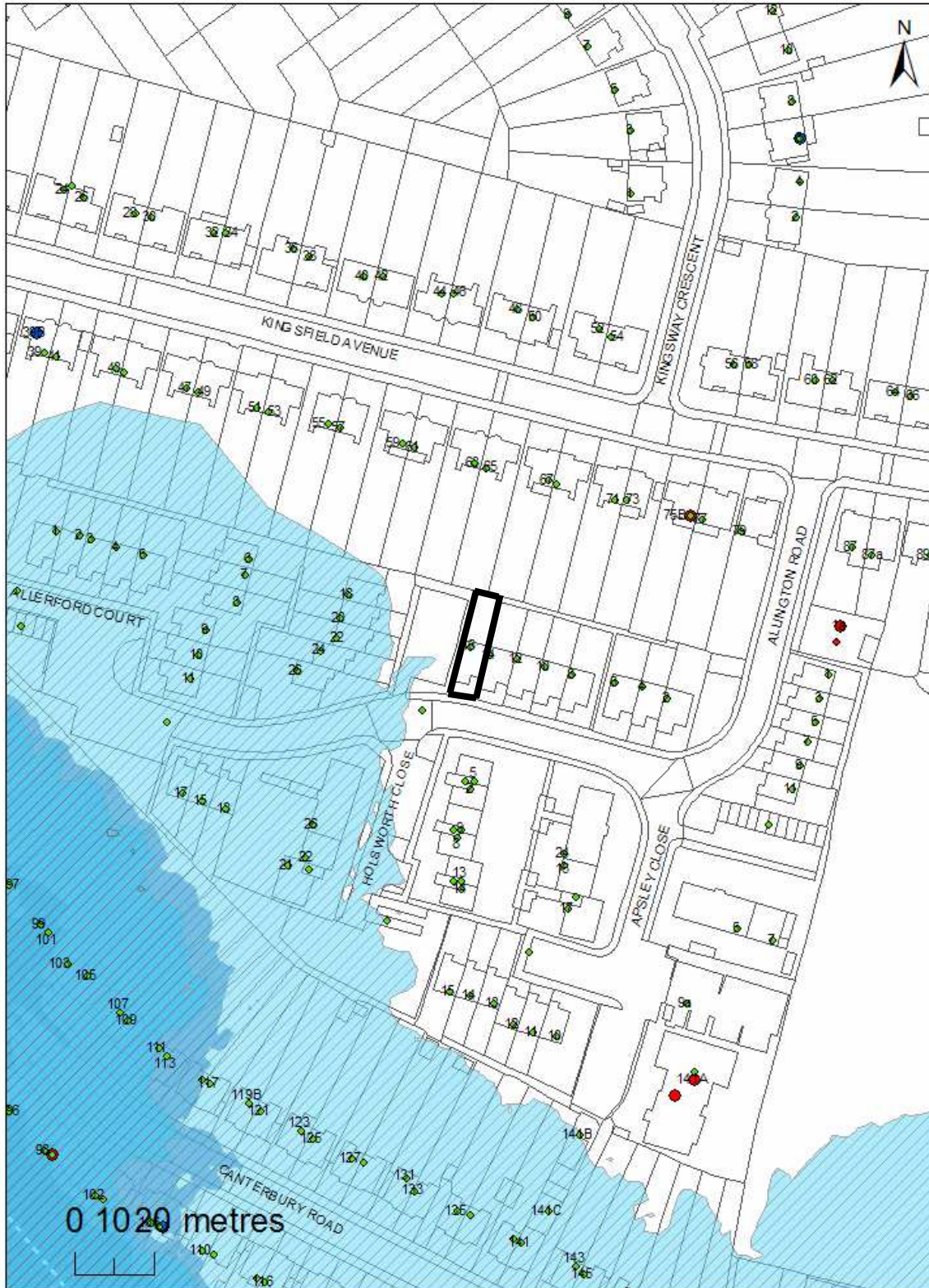
D4 - The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

Supplementary Planning Document: Residential Design Guide (2010)

Plan Nos: 642/09/1 Rev. A and 642/09/2 Rev. E.

# 16 ALLINGTON ROAD, HARROW



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## Appeal Decision

Site visit made on 15 February 2011

by **R M Barker BEng(Hons) CEng MICE FCIHT**

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

Decision date: 24 February 2011

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**Appeal Ref: APP/M5450/D/11/2143997**

**16 Allington Road, Harrow, Middlesex, HA2 6AL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr P Shah against the decision of the Council of the London Borough of Harrow.
  - The application Ref P/2506/10, dated 19 September 2010, was refused by notice dated 15 November 2010.
  - The development proposed is described as *GF Front extension*.
- 

### Decision

1. I dismiss the appeal.

### Main Issue

2. The effect of the proposed development on the street scene.

### Preliminary Matters

3. The submissions of the local planning authority and the appellant refer to Supplementary Planning Guidance *Extensions – A Householders Guide* (SPG). However since those statements were drafted but before the appeal was lodged (on the 7 January 2011) the Council adopted Supplementary Planning Document *Residential Design Guide* (SPD) on 15 December 2010. I have been provided with a copy of the SPD. The SPD incorporates and replaces (with revisions) the previous guidance (SPG) and reflects the advice in the previous SPG, which formed the basis of the local planning authority's decision, and in so far as this appeal is concerned there is no material difference in the guidance and no one would be prejudiced by its use. I have dealt with the appeal on this basis using this extant guidance.

### Reasons

4. The host dwelling sits at the end of a terrace of five similar properties. Another comparable terrace of three lies directly adjacent, to the east. These terraces set the character of this part of Allington Road. They bring a satisfactory regularity to the pattern of the street; a rhythm that is informed by the recessed area at the entry to each dwelling.
5. In my judgment the proposed extension, which would infill this recess, would have a materially adverse effect on the current harmony of these terraces, in which the articulation of the front elevations highlighted above plays an integral part.

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<http://www.planning-inspectorate.gov.uk>



6. The appellant draws attention to an extension that has been constructed at a nearby property, no. 3 Allerford Court. I do not have all the details of that case and that Court has a different character to the street in this appeal. However from my inspection it does confirm my view that such an extension would have a harmful effect on the street scene. I must consider this appeal on its individual merits.
7. In view of all the above I conclude that the proposed development would have an unacceptably harmful effect on the street scene contrary to the London Plan Policy 4B.1 and the Harrow Unitary Development Plan saved Policy D4 that seek high quality layout and design which respects local character and context. Furthermore the proposal would not accord with detailed guidance in the SPD, paragraphs 6.6 and 6.35, which highlight the need to be aware of potential impact on the character of an area and in particular on the street scene.
8. Consequently for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*R.M Barker*

INSPECTOR

**SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES**

None.

**SECTION 5 - PRIOR APPROVAL APPLICATIONS**

None.