

SECTION 1 – MAJOR APPLICATIONS

Item No. 1/01

Address: KINGSGATE HOUSE, 29-39 THE BROADWAY, STANMORE

Reference: P/3016/12

Description: CHANGE OF USE OF FIRST, SECOND AND THIRD FLOORS FROM OFFICE USE TO 19 SELF CONTAINED FLATS (CLASS B1 TO C3); EXTENSION AT THIRD FLOOR; EXTERNAL ALTERATIONS INCLUDING INSTALLATION OF WINDOWS, ROOFLIGHTS AND SOLAR PANELS; NEW ENTRANCE; REFUSE AND CYCLE STORAGE AT GROUND FLOOR; MINOR ALTERATIONS TO EXTERNAL PARKING AND LANDSCAPING; ADDITIONAL OFFSITE PARKING AREA (12 SPACES) AT THE REAR OF 14-30 (EVEN) THE BROADWAY, STANMORE (RETROSPECTIVE APPLICATION)

Ward: STANMORE PARK

Applicant: JASPER HOMES LTD

Agent: GL HEARN

Case Officer: NICOLA RANKIN

Expiry Date: 18TH FEBRUARY 2013

RECOMMENDATION A

GRANT planning permission subject to conditions and the completion of a Section 106 agreement by 17th February 2013. Delegated Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section106 agreement and to agree any minor amendments to the conditions or the legal agreement.

INFORM the applicant that:

1. The proposal is acceptable subject to the completion of the Legal Agreement to include the following Heads of Terms:
 - I. **Affordable Housing:** Payment of £50, 294.50 as a contribution towards affordable housing in the Borough
 - II. **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the S106 Legal Agreement
 - III. **Planning Administration Fee:** A £500 fee payable to the Local Planning Authority for monitoring of and compliance with the agreement.

REASON

The proposed development would make efficient use of the land for the provision of housing. The associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions and the development would therefore not have any significant, visual, amenity, transport or other

impact that would warrant refusal of the planning permission. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), The London Plan (2011), the Harrow Core Strategy (2012), the saved policies of the Harrow Unitary Development Plan (2012), as well as all relevant material considerations including any responses to consultation.

RECOMMENDATION B

That if the Section 106 Agreement is not completed by 17th February 2013 then it is recommended to delegate the decision to **REFUSE** Planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a legal agreement to secure appropriate affordable housing or contribution to off site provision to meet the Council's housing needs, would fail to address strategic housing objectives including the provision of mixed, balanced and sustainable communities, contrary to the National Planning Policy Framework (2012), policies 3.11, 3.12, 3.13 and 8.2 of The London Plan (2011) and core policies CS1(I) and CS1(J) of The Harrow Core Strategy (2012).

INFORMATION

The application is reported to the Planning Committee because as it is a major application recommended for approval and therefore falls outside the scheme of delegation.

Statutory Return Type: E7 Small Scale Major Dwellings

Council Interest: None

Gross Floorspace: 2068.9sqm

Net additional Floorspace: n/a

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £72,411.50

Site Description

- The site comprises Kingsgate House, a three storey (plus roof floor) commercial building on the south side of The Broadway, currently used for retail (A1) on the ground floor, with vacant office space (B1) on the upper floors.
- The site falls within the Stanmore District Centre.
- The entrance to the upper floor of the building is via an entrance to the west of the building close to the corner with Glebe Road.
- The upper floors of the building overhang the ground floor, providing a covered walkway, adjacent to a bus stop on the Broadway.
- The roof of the building is occupied by a substantial amount of telecommunications equipment.
- The Broadway is a busy distributor road and a main bus route. Stanmore London Underground station is approximately 5 to 10 minutes walk from the property.
- The site includes a service road at the rear, accessed from Claire Gardens, which has 10 off street parking spaces.
- 12 additional parking spaces are included within the application site, but are located in the car park on the opposite side of The Broadway, to the rear of Nos 14 – 30 (even).
- To the east of the site, is the commercial parade Nos 45-55 (odd) The Broadway, which comprises a mixture of food and drink and retail uses, with residential flats above.
- To the south (rear) of the site are the residential properties on Claire Gardens and Glebe Road.

- To the west of the site is the locally listed Berneys Hall and Glebe Hall, with Sainsbury's supermarket beyond.
- To the north of the site, beyond the Broadway, are other commercial properties.

Proposal Details

- Retrospective planning permission is sought for a change of use of first, second and third (roof) floors from offices (B1) to residential (C3), comprising 19 flats.
- The proposal would provide 6 x 1 bedroom, 11 x 2 bedroom and 2 x 3 bedroom flats.
- Retention of a new flat roof over the existing roof terrace area to enclose 3rd floor flats.
- Provision of 15 skylights in the flat roof and 11 rooflights in the plane of the pitched roof.
- Provision of roof mounted solar panels and a new entrance door.
- Provision of additional landscaping to the side and rear of the building.
- The flats are accessed from a private entrance at the corner of the building on Glebe Road. The top floor (3rd) has no access lift and is reached via the two staircases from the 1st floor.
- Provision of refuse/recycling store at ground floor level.
- Provision of a cycle storage area at ground floor level.
- The onsite parking area will provide 12 spaces with a further 12 spaces in the Stanmore surface car park on the other side of The Broadway. 21 spaces will be allocated to the flats and 3 spaces will be provided for the ground floor retail unit.

Amendments since approval of previous application P/3018/10:

- The 17th flat and the roof terrace on the 3rd floor has been converted to 3 flats with no roof terrace.
- Minor internal reconfiguration of flats.
- Minor alterations including the omission of the windows in the side elevations of the building, new rooflights, and roof mounted solar panels, a replacement entrance door and additional landscaping.

• Relevant History

P/3018/10 Change of use of first, second and third floors from office use to 17 self contained flats (class b1 to c3); external alterations including installation of windows, rooflights and solar panels; new entrance; refuse and cycle storage at ground floor; minor alterations to external parking and landscaping; additional offsite parking area (12 spaces) at the rear of 14-30 (even) the Broadway, Stanmore (resident permit restricted) Granted 15.11.2011

P/2247/12 Change of use of first, second and third floors from office use to 19 self contained flats (class b1 to c3); extension at third floor; external alterations including installation of windows, rooflights and solar panels; new entrance; refuse and cycle storage at ground floor; minor alterations to external parking and landscaping; additional offsite parking area (12 spaces) at the rear of 14-30 (even) the Broadway, Stanmore (retrospective application)

Refused 15th November 2012-12-19

Reason for Refusal:

1. The applicant has failed to provide a viability appraisal toolkit and supporting information to demonstrate that the maximum reasonable level of affordable housing on the development site will be provided, and in the absence of this information, the proposed development therefore fails to address strategic housing objectives including the provision of mixed, balanced and sustainable communities, contrary to

the National Planning Policy Framework (2012), policies 3.11, 3.12 and 3.13 of The London Plan (2011) and core policies CS1(I) and CS1(J) of The Harrow Core Strategy (2012).

Pre-Application Discussion (Ref: HA\2012\ENQ00102)

- The applicant was advised that the provision of additional flats at third floor level may present a number of issues which did not require assessment previously. In particular, the Council would consider whether or not satisfactory outlook would be provided from the rooflights in the additional flats, and whether or not these rooflights would give rise to any loss of privacy for neighbouring occupiers. Also, the Council would consider whether or not an appropriate stacking arrangement would be provided. The Applicant is therefore required to consider these issues and to address these as part of a full Planning application, through the use of appropriate section drawings and studies of room arrangements and floor construction / sound insulation.
- On the basis of the Applicant submitting a retrospective Planning application, it was advised that it would be likely that the Council would retain the monies received pending a decision on such an application. In the event of retrospective Planning permission being granted, it is likely that additional monies would be sought by the Council towards the provision of Affordable Housing in the Borough. Such additional monies would be sought on the basis of additional flats being provided from that which was approved. However, the applicant was advised that a revised Three Dragons Toolkit would be required. In addition to this, the Applicant was advised that an additional £500 would be required to cover costs of administrating the obligations in the S106 Agreement and the Planning Permission.

Applicant Submission Documents

- Design and Access Statement
- Site Waste Management Plan
- Energy Statement

Consultations:

Highways Authority: This is in a sustainable location and the principle of flat provision is acceptable subject to the acceptability of the loss of B1. Parking spaces are provided although provision could be lessened, but it is accepted that parking spaces are already in existence and it is impractical to utilise these spaces for planning purposes. In short the provision is accepted. Secure cycle and refuse storage are to standard. Resident permit restriction should be applied.

Housing Officer: A viability appraisal report which addresses both the review clause requirement and the additional units within the built out scheme has been provided and the contribution is in line with the requirements of the Borough.

Conservation Officer: No Objection

Advertisement:

Press Advert:

Major Development

Setting of a Listed Building

Expiry: 20.12.2012

Site Notice:

Major Development

Setting of a Listed Building

Expiry: 09.01.2012

Notifications

Sent: 130

Replies: 0

Expiry: 14.12.2012

Addresses Consulted

- 1, 3, 5, 7, 8, 9, 11, - Buckingham Parade, The Broadway
- 2, 4, 6, 10, 12 – Buckingham Parade, The Broadway
- 13, 14, 14a, 14b, 16, 16b, 16a, 18b, 18c, 18d, 18e, 20, 20a, 22, 24, 24a, 25, 26, 32, 34, 36, 38, 40, 41-43, 42, 42a, 44, 44a, 45a, 45, 47, 47a 46, 46a, 48, 48a, 49, 49a, 50, 51a, 51-53, 53a, 52, 54, 55, 55a, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 76a, 78, 80-82 The Broadway
- 6, 6a, 8 - Hardwick Court, Hardwick Close
- Flat 28, The Broadway
- 1,2, 3, 4, 5, 6, 7, 8 – Claire Gardens
- 1, 2a, 3, 4, 5, 7, 22a, 26a, 28, 30b, 34a, 36a, 38a 40a – Glebe Road
- Stanmore Society
- Stanmore Library – 8 Stanmore Hill
- Substation rear of 12 Buckingham Parade, The Broadway
- Car park rear of Buckingham Parade
- Day Care Centre, Anmer Lodge Coverdale Close
- Anmer Lodge, Coverdale Close
- Residential Hostel, Anmer Lodge Coverdale Close
- Burnell House – 8 Stanmore Hill
- Buckingham House East, The Broadway
- Buckingham House West, The Broadway
- Broadway Multi Storey Car park
- Dental Surgery - 2 Glebe Road
- Garages rear of 29 the Broadway
- Garages rear of 2 Claire Gardens
- Bernays Institute Hall
- Kingsgate House 29 – 39, The Broadway
- Kingsgate House 29 – 39, The Broadway – Flats 1 - 17

Summary of Responses

- None

APPRAISAL

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:
'If regard is to be had to the Development Plan for the purpose of any determination to be under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

In this instance, the Development Plan comprises The London Plan 2011, the Harrow

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

While this application has been principally considered against the saved policies in the Harrow Unitary Development Plan (2004), some regard has also been had to relevant policies in the Development Management Policies DPD (Pre-submission Draft) which forms a part of the emerging Local Development Framework for the Borough and will eventually replace the Harrow Unitary Development Plan (2004) when adopted.

The document has been subject to two rounds of consultation; between 13 May 2011 and 24 June 2011 on the Council's Preferred Options Development Management Policies, and between 27 July 2012 and 7 September 2012 on the Pre-submission Draft document. The DPD has now been sent to the Secretary of State for Examination in Public which is expected to be held in January 2013. Prior to this, a 4 week consultation was carried out between 11 October 2012 and 8 November 2012 on the Council's Proposed Minor Modifications to the DPD as a response to representations received as a result of the Pre-submission Consultation.

MAIN CONSIDERATIONS

- 1) Principle of the Development
- 2) Character and Appearance of the Area and Nearby Listed/Locally Listed Buildings
- 3) Residential Amenity
- 4) Traffic and Parking
- 5) Accessibility
- 6) Housing Provision and Density
- 7) Affordable Housing
- 8) Sustainability
- 9) S17 Crime & Disorder Act
- 10) Consultation Responses

1) Principle of the Development

The principle of the use of the upper floors of Kingsgate House as flats has previously been accepted in granting planning permission for 17 flats (ref: P/3018/10)

The subject site is not is a designated employment area. Core Policy CS1 (O) of the adopted Harrow Core Strategy (2012) states that 'The Borough's stock of business and industrial premises will be monitored and managed to meet economic needs. Any release of surplus stock for other uses, having regard to the most up to date monitoring of the demand and supply balance will be considered in accordance with a sequential approach.

Following on from this, saved policy EM15 of the Harrow Unitary development Plan (2004) specifies that the Council will resist the loss of existing land and buildings in B1, B2 and B8 uses unless it can be demonstrated that the site is no longer suitable or required for employment use.

On the previous application, P/3018/10, which granted 17 flats, it was considered that the applicant provided sufficient evidence to demonstrate that the B1 office space had been marketed without success. Supporting evidence in respect of the marketing of the site has been submitted with this current application between the period August 2008 and August 2010 and in view of this, accordingly the loss of employment use space is

considered to be acceptable in this instance. It is acknowledged, that the property is in an accessible location, however there is considered to be sufficient alternative office space in Stanmore and the wider area. The proposal is therefore considered to be acceptable in relation to saved policy EM15 of the Harrow UDP and core policy CS1 (O) of the Harrow Core Strategy (2012).

The site is located within the Stanmore District Centre, which is a sustainable location. The NPPF advises under paragraph 49 that 'Housing applications should be considered in the context of the presumption in favour of sustainable development'. As such, the provision of residential development is supported by this policy context. As such, residential development is considered to be acceptable in principle.

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

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.

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

Saved policy D4 of the Harrow UDP 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.

A flat roof enclosure has been constructed over the third floor roof terrace towards the rear of the building. This is not visible from the street scene and is considered not to result in a detrimental impact on the surrounding residential area.

Some minor alterations are proposed, including new rooflights, domed skylights, a new glazed entrance door on the front elevation, removal of the security shutter at the rear and its replacement with a aluminium entrance door as well as the addition of solar panels on the roof. Subject to a condition requiring the windows to match the existing windows, they would have an acceptable appearance. The solar panels are also considered to have an acceptable appearance. Additional landscaping has been provided to the side and rear of the building which is considered to be an improvement in visual amenity terms and is acceptable.

Given the minimal external alterations proposed to the existing building, it is considered that the proposal would preserve the setting of the neighbouring locally listed Bernays Hall and nearby Grade II listed Cottrell cottages.

The bins required to serve the proposed flats would be stored within the building at the rear with access to the rear service road for collection. This area would provide adequate space for the required bins and access for collection would also be adequate. It is therefore considered that this would be an acceptable arrangement.

Overall the proposal would be acceptable in terms of character and appearance and the proposal would comply with The London Plan (2011) policy 7.4 (B), Core Policy CS 1 (B) of the Harrow Core Strategy (2012), saved policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document – Residential Design Guide (2010).

3) 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. Following on from this, Criterion C of saved policy D5 of the HUDP (2004) seeks to “ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded”.

Impact on Neighbouring Residential Occupiers

As highlighted on the previous application, it is considered that the proposed residential use is appropriate in this location. It is not uncommon for residential units to be located above commercial premises in Stanmore and other town centres. Although the flats are different to the previous office on site and would generate more activity outside of normal working hours and into the evening and weekends, it is not expected the flats would generate unacceptable levels of activity or noise and disturbance, given the high background noise levels in the locality and the existence of similar residential properties close to the site. The traffic movements arising from the use would not significantly increase the levels of background noise in the area and they would be confined largely to the existing streets and parking areas. It is therefore considered that the use of the building as flats would not be detrimental to the amenities of the neighbouring residential occupiers by way of noise and disturbance.

As discussed on the previous application, it is noted that the existing first and second floor windows overlooking the residential properties to the rear (south) of the building, in particular Nos 1 and 2 Claire Gardens and Nos 1 and 3 Glebe Road. However, the change of use to residential would affect the level of overlooking by neighbouring properties, by virtue of the occupation of the building in the evening and also during the weekends, where the occupiers of neighbouring residential properties are more likely to be enjoying their garden areas and habitable rooms. Nevertheless, whilst it is acknowledged the first and second floor windows in the rear elevation, facing neighbouring residential properties on Claire Gardens and Glebe Road, serve living rooms and bedrooms as opposed to office space, it is considered that has not resulted in detrimental overlooking of these properties.

The rear windows facing Nos 1 and 2 Claire Gardens are sited some 16 metres from the nearest part of these properties. It is also noted that the main habitable room windows on the Claire Gardens properties face away from the application site and the main areas of amenity space to these properties are located to the south of the blocks and would not be unduly overlooked. The rear first and second floor windows which are close proximity to the boundary with No. 1 Glebe Road were required to be obscure glazed and fixed

closed up to a height of 1.7 metres above the finished floor level as part of the previously approved scheme under P/3018/10. The same condition is attached to ensure that adequate mitigation measures are provided in respect of these neighbouring occupiers.

With regard to the three flats at 3rd floor level, a number of rooflights have been provided on the areas of flat roof and along the pitched roof in order to provide adequate levels of light and outlook for the future occupiers of the flats. However, the rooflights located on the flat roof and pitched roof would not result in any overlooking due to their upward and angled orientation. Further to this, the rooflights are not materially different in relation to the windows at first and second floor level which have already been considered as acceptable on the previous application. Further to this, the additional windows that were approved under the previous planning In addition, the west elevation facing Bernays Hall and Glebe Hall have been omitted from the proposal.

Impact on the Amenity of the Intended Occupiers of the Flats

- Private Amenity Space

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'. Paragraph 5.16 of the adopted SPD states that 'The Council will seek to ensure that all flats (except for the conversion of maisonettes above shops and mid terraces properties) have access to a garden'. In this case, no amenity space is proposed to be provided. However, given this constraints of the existing building and the surrounding locality and town centre location, this is considered to be acceptable in this case.

- Refuse Storage

It is proposed to provide a large new refuse store with level access for collection vehicles at the rear of the building. For the 19 residential units 2 x 1100, 2 x 1280 litre and 2 x 240 litre refuse containers would be provided. This provision is considered to be acceptable and would meet Harrow's code of Practice for storage and collection of refuse.

- Room Size and Layout

Table 3.3 of The London Plan (2011) specifies minimum Gross Internal Areas (GIA) for residential units. Paragraph 3.36 of the London Plan (2011) specifies that these are minimum sizes and should be exceeded where possible. The use of these residential unit GIA's as minima is also reiterated in Appendix 1 of the SPD. As The London Plan (2011) has been adopted, the flat size GIA's have considerable weight.

In addition, paragraph 59 of the National Planning Policy Framework (2012) (NPPF) states that local planning authorities should consider using design codes where they could help deliver high quality outcomes. Policy 3.5C of The London Plan (2011) also specifies that Boroughs should ensure that, amongst other things, new dwellings have adequately sized rooms and convenient and efficient room layouts. In view of paragraph 59 of the NPPF and Policy 3.5C of The London Plan (2011), and when considering what is an appropriate standard of accommodation and quality of design, the Council has due regard to the Mayor of London's Housing Supplementary Planning Guidance (SPG) (November 2012). As an SPG, this document does not set new policy. It contains guidance supplementary to The London Plan (2011) policies. While it does not have the same formal Development Plan status as these policies, it has been formally adopted by the Mayor as supplementary guidance under his powers under the Greater London Authority Act 1999 (as amended). Adoption followed a period of public consultation, and it

is therefore a material consideration in drawing up Development Plan documents and in taking planning decisions.

The Housing SPG reiterates the residential unit GIA's in The London Plan (2011) and provides additional GIA's and minimum dimensions for rooms within the residential unit; annex 1 of the SPG sets out a summary of the quality and design standards that new developments should seek to achieve. Whilst these standards (e.g. room size GIA's and minimum dimensions) do not form part of the Development Plan and therefore do not justify refusal in themselves, they do indicate a shortfall in relation to the NPPF, The London Plan (2011) policies and saved Harrow UDP (2004) policies.

The room sizes of the flats are shown in the table below, along with the minimum floor areas for rooms as recommended by the Housing SPG (2012). The additional flats on the 3rd floor are highlighted at the end of the table.

Flat Number	Type	Floor Area	ILHDG and SPD Standards
Flat 1	3 bedroom, 5 persons	110.7m ²	86m ²
Flat 2	2 bedroom, 4 persons	86.5m ²	70m ²
Flat 3	2 bedroom, 4 persons	77.9m ²	70m ²
Flat 4	1 bedroom, 2 persons	70.3m ²	50m ²
Flat 5	2 bedroom, 4 persons	80.1m ²	70m ²
Flat 6	2 bedroom, 4 persons	78.5m ²	70m ²
Flat 7	1 bedroom, 2 persons	60.7m ²	50m ²
Flat 8	1 bedroom, 2 persons	49.2m ²	50m ²
Flat 9	3 bedroom, 6 persons	110m ²	95m ²
Flat 10	2 bedroom, 4 persons	86.5m ²	70m ²
Flat 11	2 bedroom, 4 persons	77.9m ²	70m ²
Flat 12	2 bedroom, 4 persons	69.4m ²	70m ²
Flat 13	2 bedroom, 4 persons	79.8m ²	70m ²
Flat 14	2 bedroom, 4 persons	78.6m ²	70m ²
Flat 15	1 bedroom, 2 persons	51.0m ²	50m ²
Flat 16	1 bedroom, 2 persons	49.2m ²	50m ²
Flat 17	2 bedrooms, 4 persons	97.1m ²	70m ²

Flat 18	2 bedroom, 4 persons	87.3m ²	70m ²
Flat 19	2 bedrooms, 4 persons	113.7m ²	70m ²

With reference to the above table, it is considered that the adequate Gross Internal Area and the adequate room sizes of the flats as demonstrated above would result in an acceptable form of accommodation. In view of the above figures, it is considered that the additional flats on the 3rd floor would provide an acceptable level of accommodation for the future occupiers of these units. The proposal is therefore considered to be in accordance with The London Plan (2011), the Interim London Housing Design Guide 2010 (ILHDG) and the Council's adopted SPD (2010). As such, this application is considered acceptable in this regard.

- **Stacking Arrangements**

Paragraph 5.12 of the Council's adopted Supplementary Planning Document – Residential Design Guide (2010) states that 'The vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Whilst it is noted that, in some case, there are some overlapping issues in terms of the vertical stacking of rooms, it is however considered that a refusal on this basis could not be sustained, particularly given the technical provisions of Building Regulations. The horizontal stacking of rooms between the units is well designed and outlook from habitable rooms would be adequate.

For the reasons outlined above, it is considered that the proposal would provide an acceptable standard of accommodation for the future occupiers of the units. As such the proposal would be contrary to The London Plan (2011) policy 7.6B, saved policies D5 and EP25 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).

4) Traffic and Parking

The London Plan (2011) policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. 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.

Given the relatively good public transport accessibility level (PTAL) of the site and parking controls in neighbouring streets, the Highway Authority considers that the parking provision for the site is acceptable. In addition, the proposed parking provision for persons with disabilities is also acceptable, as is the proposed cycle storage. As on the previous application, had the proposal been otherwise considered acceptable a condition would have been attached to restrict residents from applying for parking permits, in order to avoid placing a burden on surrounding roads.

Given the on site parking restraint and the good PTAL of the location, it is considered that the increase in traffic movement as compared to the office use and in relation to the two additional units on the 3rd floor, is likely to be insignificant. The existing service road at the rear would be adequate to the serve the proposed use and the retail use at the ground floor level and it is considered that the congestion in this area would not materially increase as compared to the use as an office. The proposal would therefore be acceptable in this regard and would comply with policies 6.3, 6.9 and 6.13 of The London

Plan (2011) and saved policies T13 and T6 of the Harrow Unitary Development Plan.

5) Accessibility

The London Plan (2011) requires all new development in London to achieve the highest standards of accessibility and inclusive design as outlined under policy 7.2. Saved policy C16 of the Harrow UDP seeks to ensure that buildings and public spaces are readily accessible to all.

The flats, including the additional units on the 3rd floor would be fully compliant with Lifetime Homes Standards, with level access to the main entrance door, a lift between all floors and adequate circulation space within the building. Two of the flats would be Wheelchair Home compliant and this would therefore accord with policy 7.2 of The London plan (2011) and the Council's Accessible Homes SPD (2010).

6) Housing Provision and Density

The proposal would have a density of 135 dwellings per hectare and 392 habitable rooms per hectare. Following the appropriate density ranges in the London Plan table 3.2, these figures would be within the density range for this urban location, with a PTAL rating of 3. It is considered that the proposal would not result in excessive density in this location and the proposed development would therefore contribute to housing supply by making efficient use of previously developed land, whilst being compatible from the local context.

7) Affordable Housing

Core Policy CS1J of the Harrow Core Strategy (2012) seeks the maximum reasonable amount of affordable housing on all development sites, with a Borough-wide target of 40%.

The proposed development is above the threshold for provision of affordable housing as set out in policy 3.13 of The London Plan (2011) (10 units). Under the previous planning application, the applicant provided an affordable housing contribution of £136,000 which was devised from the appropriate GLA toolkit. Under the current proposal, the applicant has submitted a further viability appraisal in relation to the additional two flats at 3rd floor level as well as taking into account the variations in open market values of the other units since the previous application. The maximum figure generated by the toolkit is £50,294.50 and this figure has been agreed with the applicant. As such, it is considered that this additional contribution in respect of affordable housing that could feasibly be provided is acceptable and the proposal would therefore satisfy to policy 3.11 of The London Plan (2011) and Core Policy CS1J of the Harrow Core Strategy (2012).

8) Sustainability

London Plan policy 5.2 'Minimising Carbon Dioxide Emissions' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach, which is expanded in London Plan policies 5.3 to 5.11. Harrow Council's Supplementary Planning Document on sustainable Building Design (adopted May 2009) seeks to address climate change through minimising emissions of carbon dioxide.

The applicant has submitted an Energy and Sustainability Report, which concludes that the introduction of passive energy efficiency measures would reduce carbon dioxide emissions, by 13.4% as compared to the existing situation. The report also considers that use of a number of renewable energy technologies in line with the requirements of

the London Plan policies 5.2, 5.3 and 5.11 (2011). The report concludes that the most feasible technology would be solar hot water heating. Solar hot water panels are proposed as part of the application and would result in a reduction in carbon dioxide emissions by 15%. As on the previous application, had the proposal been otherwise considered acceptable, a condition is recommended to ensure that these measures are implemented as part of the proposed development. Subject to this condition, the proposal would meet the requirements of policies 5.2, 5.3 and 5.11 of The London Plan (2011).

9) 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 new doors and windows at the rear would improve the security of the building. They would be security access controlled with good external illumination. The replacement front entrance door would be automated and would have a high level of external and internal illumination. It is therefore considered that the proposed change of use would not increase the risk or fear of crime.

10) Consultation Responses

- None

CONCLUSION

The proposed development would make efficient use of the land for the provision of housing. The associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions and the development would therefore not have any significant, visual, amenity, transport or other impact that would warrant refusal of the planning permission. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), The London Plan (2011), the Harrow Core Strategy (2012), the saved policies of the Harrow Unitary Development Plan (2012), as well as all relevant material considerations including any responses to consultation.

CONDITIONS

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

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

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

List of Plans – Pre-Existing:

JM015 – 100; JM015 – 101; JM015 – 102; JM015 -103; JM015 – 104; JM015 – 105;
JM015 – 110; JM015 – 111; JM015 – 131

List of Plans – As Built:

JM015 – 400; JM015 – 401; JM015 – 402; JM015 – 403; JM015 – 404; JM015 – 405;
JM015 – 410; JM015 – 411; JM015 – 431

List of Plans – Previously Approved

JM015 – 300; JM015 – 301; JM015 – 302; JM015 – 303; JM015 – 304; JM015 – 305;
JM015 – 310; JM015 – 311; JM015 – 331

Supporting Documents:

Planning, Sustainability, Design and Access Statement Ref: JM015, dated 19th November 2012; Site Waste Management Plan Ref: JM015, dated November 2012; Energy Statement, dated June 2012; Email dated 28th October 2010 Re: Kingsgate House, Stanmore; Letter from Preston Bennett, New Homes, dated 25th July 2012, Re: Third Floor, Kingsgate House, Stanmore; Letter from Preston Bennett New Homes, dated 1st November 2012 Re: Plots 17-19 Kingsgate House, Stanmore; Document titled: Kingsgate Sales Prices; Viability Appraisal Toolkit; Cost Report Nr.2 – Nov 2012; Document titled: Property Comparison Prices

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

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

REASON: to safeguard the appearance of the locality in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

4 The approved Site Waste Management Plan shall be implemented as part of the development and thereafter retained.

REASON: to safeguard the appearance of the locality in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

5 The recommendations set out in the approved Energy Statement shall be implemented as part of the development hereby. The renewable energy technologies shall be thereafter retained.

Reason: To ensure that the development achieves an adequate reduction in carbon dioxide emissions from onsite renewable energy generation, in line with the requirements of policy 5.2 of The London Plan (2011).

6 The car parking spaces as approved shall be permanently retained. The car parking spaces shall only be used for cars and motor vehicles in association with the approved use and for no other purpose.

Reason: To ensure adequate provision of parking and a satisfactory form of development in accordance with saved policies T6 and T13 of the Harrow Unitary Development Plan (2004).

7 The disabled parking spaces, Nos 11 and 12 shall be allocated and retained for use by the occupants of flats 6 and 14 only and shall be used for no other purpose without the prior written permission of The Local Planning Authority.

Reason: To ensure suitable parking provision for people with disabilities in association with the Provision of Wheelchair Standard Housing in line with the requirements of policies 3.5 and 7.2 of The London Plan (2011) and policy C16 of the Harrow Unitary Development Plan (2004).

8 Before the development hereby permitted is occupied, arrangements shall be agreed in writing with the local planning authority and out in place to ensure that with the exception of persons with disabilities, no resident of the development shall obtain a residents parking permit within the Controlled Parking Zone.

Reason: To ensure that the scheme adequately addresses the sustainability requirements of saved policy T13 of the Harrow Unitary Development Plan (2004).

9 The west facing first and second floor windows shown as 'opaque windows' on the approved plans, shall be of purpose made obscure/opaque glass and be permanently

fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.

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

10 The rear (south) facing first and second floor windows serving flats 8, 16, the rear south facing window serving the bedroom of flat 4, the rear south facing window serving the bedroom of flat 12 and the rear south facing living/kitchen windows serving flat 5 shall be of purpose made obscure/opaque glass and be permanently fixed closed below a height of 1.7 metres above finished floor level. Above 1.7 metres above finished floor level, these windows shall be of clear glass and capable of opening. The windows shall thereafter be retained in that form.

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

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

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

The following policies are relevant to this decision:

National Planning Policies

NPPF National Planning Policy Framework (2012). The NPPF establishes a presumption in favour of sustainable development.

The London Plan (2011) policies:

- 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
- 3.10 – Definition of Affordable Housing
- 3.11 – Affordable Housing Target
- 3.12 – Negotiating Affordable Housing on Individual Private residential and Mixed Use Schemes
- 3.13 – Affordable Housing Thresholds
- 5.2 - Minimising Carbon Dioxide Emissions
- 5.3 - Sustainable Design and Construction
- 5.13 – Sustainable drainage
- 6.9 – Cycling
- 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
- 7.8 – Heritage Assets
- 7.15 – Reducing Noise and enhancing Soundscapes

- 8.2 – Planning Obligations
- 8.3 – Community Infrastructure Levy

Harrow Core Strategy (2012)

Core Policy CS1 – Overarching Policy
CS7 -Stanmore

Harrow Unitary Development Plan (2004) 'Saved Policies

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
D12 – Locally Listed Buildings
T6 - The Transport Impact of Development Proposals
T13 - Parking Standards
C16 - Access to Buildings and Public Spaces
EP12 – Control of Surface Water Run Off
EP25 – Noise
EM15 – Land and Buildings in Business, Industrial and Warehousing Use – Outside Designated Areas

Supplementary Planning Documents / Guidance

Mayor of London Housing Supplementary Planning Guidance (2012)
Supplementary Planning Document: Residential Design Guide (2010)
Supplementary Planning Document - Accessible Homes (2010)
Supplementary Planning Document - Sustainable Building Design (2009)
Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)

Draft Development Management Policies DPD (2012)

1 – Achieving a High Standard of Development
2 – Achieving Lifetime Neighbourhoods
17 – On Site Water Management and Surface Water Attenuation
30 – Trees and Landscaping
31 – Streetside Greenness and Forecourt Greenery
32 – Housing Mix
33 – Office Conversions
35 – Amenity Space
36 – Protection of Housing
41 – Town Centre Offices and Northolt Road Business Use Area
53 – Parking Standards
56 – Waste Management

Supplementary Planning Document – Residential Design Guide (2010)
Supplementary Planning Document - Accessible Homes (2010)
Mayor Of London, Housing Supplementary Planning Guidance (November 2012)
Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)

2 INFORM61_M

Please be advised that approval of this application, (by PINS if allowed on Appeal following the Refusal by Harrow Council), attracts a liability payment of £72, 411.50 of

Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008. Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

Your proposal is subject to a CIL Liability Notice indicating a levy of £72,411.50 for the application, based on the levy rate for Harrow of £35/sqm and the stated floorspace of 2068.9sqm

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

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

3 INFORM_PF1

GRANT WITH PRE-APPLICATION ADVICE

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

4 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.

5 THE PARTY WALL ETC. ACT 1996

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

6 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:

List of Plans – Pre-Existing:

JM015 – 100; JM015 – 101; JM015 – 102; JM015 -103; JM015 – 104; JM015 – 105;
JM015 – 110; JM015 – 111; JM015 – 131

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JM015 – 410; JM015 – 411; JM015 – 431

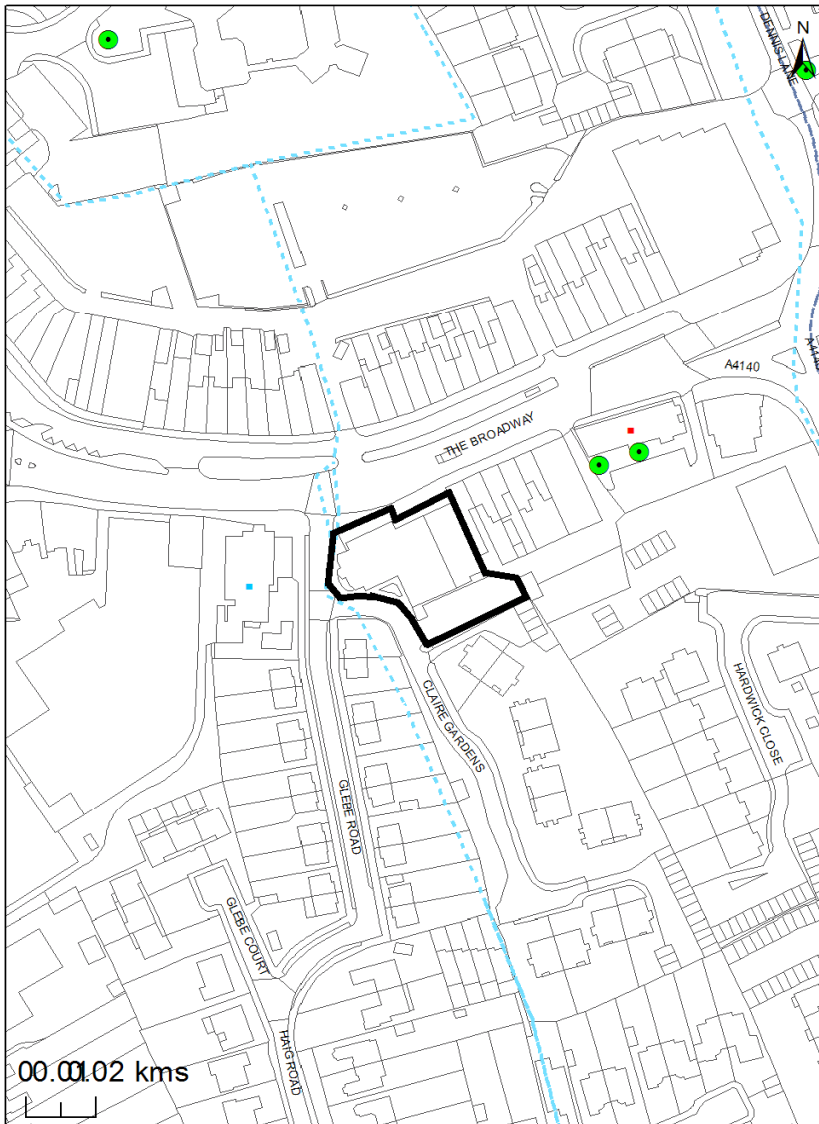
List of Plans – Previously Approved

JM015 – 300; JM015 – 301; JM015 – 302; JM015 – 303; JM015 – 304; JM015 – 305;
JM015 – 310; JM015 – 311; JM015 – 331

Supporting Documents:

Planning, Sustainability, Design and Access Statement Ref: JM015, dated 19th November 2012; Site Waste Management Plan Ref: JM015, dated November 2012; Energy Statement, dated June 2012; Email dated 28th October 2010 Re: Kingsgate House, Stanmore; Letter from Preston Bennett, New Homes, dated 25th July 2012, Re: Third Floor, Kingsgate House, Stanmore; Letter from Preston Bennett New Homes, dated 1st November 2012 Re: Plots 17-19 Kingsgate House, Stanmore; Document titled: Kingsgate Sales Prices; Viability Appraisal Toolkit; Cost Report Nr.2 – Nov 2012; Document titled: Property Comparison Prices

KINGSGATE HOUSE, 29-39 THE BROADWAY, STANMORE



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SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No. 2/01
Address: BENTLEY PRIORY THE COMMON STANMORE
Reference: P/2707/12
Description: LISTED BUILDING CONSENT: REPLACEMENT WINDOWS (RETROSPECTIVE)
Ward: STANMORE PARK
Applicant: MR JAMES TAVERNOR
Case Officer: LUCY HAILE
Expiry Date: 06/12/2012

RECOMMENDATION

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

REASON

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

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)

Impact on the Listed Building - National Planning Policy Framework (NPPF), The London Plan Policy 7.8, Harrow Core Strategy Policies CS1B and D, Harrow UDP Policy D11.

INFORMATION

The application is reported to the Planning Committee because it concerns a Grade II* listed building and therefore falls outside the thresholds set by the Schedule of Delegation for the determination of new development.

Statutory Return Type: 23

Council Interest: None

Listed Building: II*

Site Description

- The application site comprises the central entrance block to Bentley Priory. This building is grade II* listed on 23rd May, 1983.
- The list description reads: 'By Sir John Soane, 1789-90. Enlargement by Robert Smirke 1810-18. Entrance lobby, long drawing room and circular boudoir are probably the only parts by Soane in anything like their original condition. The external facades

are quite changed by iron balconies and other C19 additions. Some fragments of older work remain. The house was, for the last year and a half of her life, the home of the Dowager Queen Adelaide, who died here in 1849. It was also the home of the Marquesses of Abercorn and Lord Aberdeen in C19. Gutted by fire 1979. Of historical interest as the headquarters of Fighter Command during the Battle of Britain and until 1968. (DRUETT, W W "Stanmore and Harrow Weald Through the Ages" 1938 pages 130 to 137; IREMONGER, Lucille "Lord Aberdeen" 1978 pages 25 and 26)'.

- Operational use of the site ceased in May 2008 and planning permission and listed building consent was subsequently granted for change of use from defence establishment to provide a museum/education facility and 103 dwellinghouses with associated energy centre, car parking, landscaping and demolition of listed buildings
- The site as a whole is being developed by two separate developers and works have
- commenced on site pursuant to the above consents. City and Country Residential are carrying out the works to the Grade II* listed mansion house.
- The existing central entrance block is characterised by timber sash single glazed windows. This includes a mix of historic and more recent windows.
- Recently without the benefit of Listed Building Consent six new replacement timber sash windows were installed.

Proposal Details

- The application proposes to retain six new windows that have been replaced:
- Two are on the first floor
- Four are on the lower ground floor

Revisions to Previous Application

- N/A

Relevant History

P/1452/08CFU and P/1453/08CFU - Change of use from defence establishment to provide a museum/education facility (D1 use class) 103 dwelling (C3 class) with associated car parking, ancillary service/accommodation, energy centre, works to landscape (including open space provision, boundary fencing and removal of trees) with improved means of access to the common, and including alterations and partial demolition of the mansion house, alterations and extension of building 7. Relocation of entrance to the walled garden and demolition of other listed buildings

Granted 16-SEP-10

P/0104/11 & P/0105/11 - Variation of condition 26 (approved plans) attached to planning permission P/1452/08CFU dated 16/09/2010 to allow modifications to the external appearance and internal layout of the approved development which result in the creation of two additional residential units within the main mansion house building

Granted 20-JUL-11

Pre-Application Discussion (Ref.)

- None

Applicant Submission Documents

- Design and Access Statement

Consultations

Notifications

The following groups were consulted and any responses were due by 13/11/2012:

The Georgian Group
Society for the Protection of Ancient Buildings
The Council for British Archaeology
Ancient Monuments Society
Victorian Society
Hatch End Association
Twentieth Century Society

Advertisement

Site notice: Alterations to a listed building Expiry: 30/11/2012
Harrow Observer: Expired on 22/11/2012
Harrow Times: Expired on 22/11/2012

Notifications

Sent: 76
Replies: 0
Expiry: 06/12/2012

Addresses Consulted

Common Road: 1-3 Hunton Cottages, 1&2 Birch Cottages, 1&2 Sussex Villas, Woodside, Cedar House, Heath End, Hollycroft, Rosedale Cottage, Myrtle Cottage, Lodge Priory Close, Tanglewood.

Priory Drive: Ad Astra, Barlogan, Bentley Hyde, Dormers, Fidelio, Grammont, Green Verges, Grimsdyke Manor, Hamstede, Hornbeams, Kimbolton, Mallory, Priory Lodge, Red Roofs, Tudor Lodge, White House, Hunters Moon, Cedar Trees, Feering Croft, Pemberley, Bentley Priory Open Space.

Priory Close: Turf Hills, Woolmer House, Hazlenuts.

Tanglewood Close: Chestnut Cottage, Heath Lodge, Longcote, Tanglewood Cottage, 1-3 Tanglewood Lodge.

The Common: Birchmoor, Broad Oaks, Cedars Lodge, Commonwood, Foresters, Gada, Grosvenor House, Heriots Wood, Highcroft, Little Manor, Rustington, The Cedars, Three Chimneys, Bentley Manor, The Chestnuts, Weatheroak

Summary of Responses

- English Heritage responded on 31st October, 2012 to state the council is authorised to determine the application as the Council see fit.

APPRAISAL

MAIN CONSIDERATIONS

1) Character and Special Interest of the Listed Building

The proposal is to retain six replacement timber windows. The acceptability of the proposed works must be assessed against the need to preserve historic and architectural significance of the grade II* listed Bentley Priory, having particular regard to the National Planning Policy Framework, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and saved Harrow UDP policy D11. The National Planning Policy Framework (NPPF) paragraph 132 states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's

conservation...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. Paragraph 134 states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. London Plan policy 7.8 D states 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'. Harrow Core Strategy policy CS1 part D states 'Proposals that would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged'. 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'*'.

Replacement windows have been approved previously on this property under recent listed building consent applications P/0104/11 & P/0105/11 where the existing were considered to be in need of replacement. However, these have not been fully implemented. Thorough repair and upgrading of the existing historic windows has been undertaken which shows a commitment to retaining historic fabric wherever possible. In the case of these six windows they were replaced as they were considered to be in a poor condition and not historically significant. In the context of upgrading rather than replacing other historic windows on this property this is acceptable. The replacement windows are timber sash white painted single glazed windows in keeping with the historic windows on this building. They therefore preserve the special interest of this listed building in accordance with NPPF paragraphs 132, 134, policy 7.8 D of The London Plan, Harrow Core Strategy policy CS1 D and saved Harrow UDP policy D11.

2) Consultation Responses

English Heritage raised no objections to this proposal.

CONCLUSION

In summary, the amended proposal preserves the special interest of the listed building as the replacement windows are in keeping with the special interest of the listed building. It is considered that the proposal complies with all relevant policies.

CONDITIONS

Not applicable.

INFORMATIVES

1 REASON FOR GRANT OF LISTED BUILDING CONSENT

The proposal constitutes appropriate alterations to a Listed Building. It is considered that the proposal complies with all relevant policies. The development therefore does not have any significant detrimental impact on the Listed Building that would warrant refusal of Listed Building Consent. The development is therefore found to be consistent with government guidance, the policies and proposals in The London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations as outlined in the application report.

The following policies are relevant to this decision:

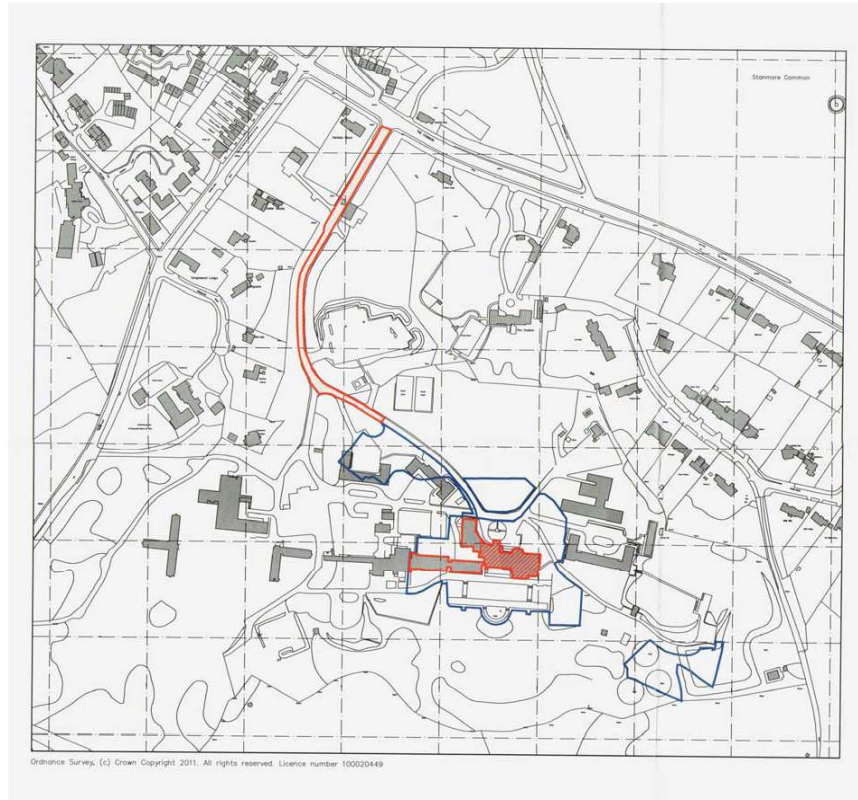
National Planning Policy Framework

The London Plan policy 7.8

Harrow Core Strategy policy CS1
Harrow Unitary Development Plan (2004): policy D11
Bentley Priory Supplementary Planning Document (2007)

Plan Nos: 232199/100(7); RW 6348; RW 6361/A; DESIGN AND ACCESS STATEMENT;

BENTLEY PRIORY, THE COMMON, STANMORE



Item No. 2/02
Address: 324-326 STATION ROAD, HARROW
Reference: P/2854/12
Description: CREATION OF NEW THIRD FLOOR TO PROVIDE FOUR SELF CONTAINED FLATS; EXTERNAL ALTERATIONS [RESIDENT PERMIT RESTRICTED]
Ward: GREENHILL
Applicant: LCP REAL ESTATE LIMITED
Agent: D2 PLANNING LIMITED
Case Officer: FERGAL O'DONNELL
Expiry Date: 26 DECEMBER 2012

RECOMMENDATION A

GRANT planning permission subject to conditions and the completion of a Section 106 agreement by 15 April 2013. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement. The Section 106 agreement Heads of Terms would cover the following matters:

- i) Public Realm improvements: Payment of £10,000 towards public realm and open space improvements prior to commencement of development
- ii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement
- iii) Planning Administration Fee: Payment of £500 administration fee for the monitoring of and compliance with this agreement.

REASON

The proposed development of the site would provide investment in the Harrow Metropolitan Centre and would contribute towards the identified development plan housing delivery targets. The proposed development would refurbish an existing building with high quality materials and enhance the appearance of the building in the public realm. The scale of the extensions to the building are considered to be proportionate and appropriate, given the proposed refurbishments to the property, the appropriate siting of the extensions and the high quality finish to the building the proposals would provide.

The layout of the units would provide high quality living space within a sustainable town centre location and the development would not adversely the amenities of surrounding occupiers or 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, the saved policies of Harrow's Unitary Development Plan 2004, the emerging Development Plan Documents: Harrow and Wealdstone Area Action Plan and Development Management Policies, and to all relevant material considerations, and any comments received in response to publicity and consultation.

RECOMMENDATION B

That if the Section 106 Agreement is not completed by 15 April 2013 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a legal agreement to provide appropriate provision for improvements to the public realm that directly relate to the development, would fail to adequately mitigate the impact of the development on the appearance of the wider area and provide for necessary infrastructure improvements arising directly from the development, thereby being contrary to policy 7.4.B of The London Plan 2011, policy CS2.Q of the Harrow Core Strategy 2012 and saved policy D4 of the Harrow Unitary Development Plan 2004.

INFORMATION:

This application is being reported to committee as the proposal constitutes development of more than 2 dwellinghouses and therefore falls outside of Category 1(d) of the Scheme of Delegation.

Statutory Return Type: Minor Dwellings

Council Interest: None

Gross Proposed Internal Floorspace: 1,922sqm

Net Additional Floorspace: 263sqm

GLA Community Infrastructure (CIL) Contribution: £9,205 (based on an additional net floor area of 232sqm)

Site Description

- The application site is located on the eastern side of Station Road, to the south of the junction with St. Ann's Road. The site is within the Harrow Metropolitan Centre and the ground floor of the site is within the primary retail frontage of the town centre.
- The site extends to the service road to Platinum House to the rear and the building has a footprint just over half the size of the site with car parking and storage facilities to the rear.
- The building is three-storey in height with a plant store on the southern side of the building which has the effect of adding an additional storey to part of the building. The building also has a single storey projection across the rear.
- The building has a slightly curved 'convex' front elevation following the curve in the highway and the ground floor has a canopy over part of the footpath.
- The ground floor of the building is separated into five commercial units and the two upper floors have a lawful use for B1 and D1 uses. The upper floors are accessed via a communal entrance area at the southern end of the building.
- A public access way abuts the southern boundary of the site and leads to Platinum House and Lyon Road to the east of the site.

- Beyond the public access way, the neighbouring building, No.328 Station Road is a pitched roof two and three-storey building with commercial use on the ground floors and residential uses above.
- The neighbouring building to the north, No.322 Station Road is a two-storey pitched roof building with the upper floor set back from the ground floor building lines. This property has a lawful use as Financial and Professional Services (Use Class A2).
- The eastern side of the highway features a mix of different building types and heights, varying from two to three storeys in scale.
- The western side of the highway has a more regular appearance and features building of three and four storeys in scale.

Proposal Details

- It is proposed to remove the existing plant room to the building and extend the existing building on the site to provide an additional floor to provide four new residential units.
- The additional floor would be have a 'straight' front elevation, contrast to the slightly convex shape of the main building and the setback from the front elevation would therefore vary between 1.6 and 3.3 metres at the northern and southern ends of the building respectively. These areas would be provided as private amenity areas for each of the units.
- The additional floor would be set away from the rear main wall of the building by 1.9 metres and these areas would be communal access areas. Access to the units would be provided from the rear via the communal access point at the southern end of the building.
- Each of the units would be two-bed units. Three of these would be 3-person units with a Gross Internal Area of [GIA] of 64sqm each and the other unit would be a 4-person unit with a GIA of 71sqm.
- Each of the units would have external amenity space of 10, 14 and 28sqm for the 3-person units and 20sqm for the 4-person unit. Each of the units would have dual aspects to the west and east.

Relevant History

P/0730/09

CHANGE OF USE OF FIRST AND SECOND FLOORS FROM B1 USE TO FLEXIBLE B1 (BUSINESS) AND D1 (NON RESIDENTIAL INSTITUTIONS) USE

Granted: 03 July 2009

P/1091/12

CHANGE OF USE FROM RETAIL (CLASS A1) TO FINANCIAL AND PROFESSIONAL SERVICES (CLASS A2)

Refused: 15 June 2012

Appeal submitted not yet determined

Reason for Refusal:

1 The proposed change of use of the premises from a retail (A1 use class) to a non-retail use (A2 use class) within a primary frontage of Harrow Metropolitan Centre, would reduce the competitiveness, vitality and viability of this part of the town centre and create a harmful concentration of non-retail uses in this part of the Centre which would incrementally erode the attractiveness and vitality of Harrow Metropolitan Centre, contrary to the policies and proposals contained within the National Planning Policy Framework 2012, policy 2.15.C of The London Plan 2011, policy CS1.L/M of the Harrow Core Strategy 2012 and saved policies SEM2 and EM16 of the Harrow Unitary

Development Plan 2004.

P/2257/12

CHANGE OF USE FROM RETAIL (CLASS A1) TO A MIXED USAGE A1/A3 (SUI GENERIS USE)

Refused: 25 October 2012

Reason for Refusal:

1 The proposed change of use of the premises from a retail (A1 use class) to a mixed A1/A3 use (sui generis use) within a primary frontage of Harrow Metropolitan Centre, would reduce the health, competitiveness, vitality and viability of this part of the town centre and incrementally erode the attractiveness and vitality of Harrow Metropolitan Centre, contrary to the policies and proposals contained within the National Planning Policy Framework 2012, policy 2.15.C of The London Plan 2011, policy CS1.L/M of the Harrow Core Strategy 2012 and saved policy EM16 of the Harrow Unitary Development Plan 2004.

Applicant Submission Documents

- Planning Statement;
- Design and Access Statement;

Consultations

Highway Authority (summarised as follows):

No objection subject to conditions

Notifications

Sent: 118

Replies: 0

Expiry: 07 December 2012

Neighbours Consulted:

All flats within Platinum House, Lyon Road

Trinity House, 324 Station Road: First and Second floor offices

Station Road: 317, 319, 320, 320a, 320b, 321, 321a-327, 322, 322a, 323, 324, 324a, 324b, 324c, 324d, 325, 326a, Offices over 325 and 327, 328, 329-331, Flat 1 at 329-331

Station Road. 330, 333, 333a,

Havelock Place: 2, Warehouse Opposite Club

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].

While this application has been principally considered against the saved policies in the Harrow Unitary Development Plan 2004, regard has also been had to relevant policies in the Harrow and Wealdstone Area Action Plan and Development Management Policies DPDs (Pre-submission Draft) which form part of the emerging Local Development Framework for the Borough and will eventually replace the Harrow Unitary Development Plan 2004 when adopted.

These documents have been subject to two rounds of consultation; between 13 May 2011 and 24 June 2011 on the Council's Preferred Options DPDs, and between 27 July 2012 and 7 September 2012 on the Pre-submission Draft documents. The DPDs have now been sent to the Secretary of State for Examination in Public which is expected to be held in January 2013. Before this, a 4 week consultation took place between 11 October 2012 and 8 November 2012 on the Council's Proposed Minor Modifications to the DPDs as a result of responses received to the Pre-submission Consultation.

MAIN CONSIDERATIONS

- 1) Principle of Development and Land Uses
- 2) Design, Character and Appearance of the Area
- 3) Layout and Amenity
- 4) Traffic, Safety and Parking
- 5) Accessibility
- 6) Sustainability
- 7) S17 Crime & Disorder Act
- 8) Consultation Responses

1) Principle of Development and Land Uses

The National Planning Policy Framework 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 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. The adopted Harrow Core Strategy 2012 sets out the spatial vision for the borough and along with the London Plan, identifies the Harrow and Wealdstone area and the corridor between these areas as an Intensification Area which should be the focus for regeneration, providing a significant portion of new development in the borough, including almost half of all new homes over the plan period. The Harrow and Wealdstone area has been identified as an Intensification Area in recognition of the ability of this area to deliver the highest levels of "sustainable development" in terms of the available infrastructure and contribution that pooled resources can make to infrastructure in this area.

The application site has lawful uses on the ground floor of A1 and A2 uses with B1 and D1 lawful uses on the upper floors. The proposal to provide additional residential accommodation would be compatible with these lawful uses and would also represent an appropriate town centre use on the upper floors of the building. The development would take place on previously developed land which, subject to appropriate impacts on the

character and appearance of the area which are considered further below, is also supported by adopted policy, providing more effective and efficient use of land.

The proposed development would provide a driver for future investment in the town centre and would accord with the strategic aims of the Core Strategy in enhancing the vibrancy of the area and contribute towards the housing targets for the borough identified within the development plan.

Accordingly, it is considered that the proposed development would accord with the strategic spatial strategy for the borough outlined in the Core Strategy in providing additional housing in the borough within a highly sustainable location and encouraging investment in the Harrow and Wealdstone Intensification Area [HWIA] and Harrow town centre, in accordance with policies 3.4 and 3.8 of The London Plan 2011, policies CS1.A and CS2.C of the Harrow Core Strategy 2012, policy D4 of the Harrow Unitary Development Plan 2004 and policy AAP1 of the emerging Harrow and Wealdstone Area Action Plan Development Plan Document [AAP].

2) Design, Character and Appearance of the Area

Good design lies at the heart of national planning policy guidance. London Plan policies 7.4.B, 7.5.B and 7.6.B and saved policy D4 of UDP set out a number of design objectives that new developments should seek to achieve, with the underlying objective of requiring new development to be of high quality design. Policy 7.4.B and saved policy D4 of the UDP pay particular reference to design being correct in its context and respecting the public and local realm. 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.

Policies AAP1 and AAP4 of the emerging AAP are also relevant to this application and broadly reflect the thrust of saved policy D4 of the Harrow Unitary Development Plan. In addition to the requirements of saved policy D4 of the UDP, these policies also refer to the need to strengthen the character, legibility and role of Harrow as a Metropolitan Centre and ensure the use of high quality materials.

The site is located within Harrow Metropolitan Centre and within the primary retail shopping frontage of the town centre. The surrounding area has a strongly urban character, without any significant coherence or commonality of design along the eastern side of Station Road, with the exception of the two-storey buildings further to the south of the application site. Buildings such as the Natwest Bank building, a Grade II Listed Building to the north-west of the site, and Platinum House and Signal House to the east of the site provide significant landmark buildings in the immediate area and the differences in form and design of these buildings is indicative of the variances in the built form in the locality. In close proximity to the site, these buildings nonetheless serve to contextualise the development site. The building on the application site itself also appears as a landmark building, given its scale in the context of the neighbouring two to three-storey scale buildings on the eastern side of Station Road and its close proximity to the eastern end of St. Ann's Road.

Scale, Design and Appearance and Siting

The proposed additional floor to the building would be distinct from the existing building in providing a significant setback from the main front building lines of the property. In association with the extension to the building, it is also proposed to renovate the façades of the building.

The front elevation of the building on the application site has a mixture of buff brickwork and metal frame windows with colour glazed panels between the floors. The glazed panels and metal framed windows do not represent a high quality material and detract from the overall appearance of the building.

The applicant has indicated in the submitted Design and Access Statement that careful consideration has gone into the design ethos of the development proposals. The design of the building has sought to address the specific constraints of the site, namely addressing the poor quality of the materials on the front elevation of the existing building and the surrounding site context of the building whereby the scale of the eastern side of Station Road is of two and three-storey buildings. It is considered that cumulatively, the development proposal would be successful in these aims.

The treatment of the front façade, in replacing the existing coloured cladding panels with buff brick slip cladding panels would replicate the existing masonry upstands featured on the rear elevation and provide much higher quality finish to the building, rationalising the overall building and providing a more legible and coherent front façade. The existing prevailing horizontal emphasis of the building would be replaced by a more balanced mix of vertical and horizontal emphasis. The additional floor proposed would remove the existing plant store and be treated in a more muted material, which given the significant setback from the front elevation of the building, is considered to be appropriate. The setback of the third floor from the front of the building, and the contrast in terms of the materials, would ensure the overall mass and scale of the building would not appear overbearing or dominant.

Though it is noted that the eastern side of Station Road is predominantly two and three-storey in scale, it is considered that the character of the area cannot be defined in these narrow terms and the surrounding buildings along the western side of Station Road and to the east of the site, of four storey scale and greater should be considered to form part of the character of the area. The four-storey scale of the proposed building, in the context of the significant improvements to the building fabric and its appearance in the public realm, the significant setback of the additional floor and the material treatment of this extension is considered to be appropriate and would represent an enhancement of the public realm. It is considered that the development would provide a driver for other similar high quality developments within the Harrow and Wealdstone Intensification Area and would accord with policies 7.4.B and 7.6.B of The London Plan 2011, policy CS1.A/B of the Harrow Core Strategy 2012, saved policy D4 of the Harrow Unitary Development Plan and policies AAP1, AAP4 and AAP7 of the emerging AAP.

The other external change to the building, namely the extended fire escape to the rear, is a functional and practical part of the building and would not adversely affect the design ethos or overall character of the area.

Public Realm

Though the high quality design of the extensions to the building would ensure that any adverse impacts upon the character of the area are minimised, the development will nonetheless derive its setting from a high quality public realm adjacent to the site and within Harrow town centre from which residential occupiers will benefit. The upgrading of the public realm adjacent to and around the site will require significant investment of public resources and the Council have put in place projects for the improvement of the public realm in the town centre. With reference to regulation 122 of the CIL regulations, it

is therefore considered reasonable and necessary to secure a financial contribution towards investment in the public realm as set out in the Heads of Terms in the s106 Agreement.

Refuse and Servicing

Refuse stores would be located internally, serviced in association with the existing arrangements of the occupiers of the commercial occupiers of the upper floors of the building, and would not adversely affect the character and appearance of the area. These refuse stores would be adequate for the purposes of the development and would ensure servicing arrangements would not be compromised.

The proposed development would provide a high quality development on the site which would appropriately address the public realm. The design of the extensions to the building and the revised material palette would add positively to the built form within the town centre, setting out a high quality design that other developments in the town centre will set as a standard. It is considered that the development proposal would be appropriate and would accord with policies 7.4.B and 7.6.B of the London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012, saved policies D4 and D7 of the Harrow Unitary Development Plan 2004 and policies AAP1 and AAP4 of the emerging AAP.

3) Layout and Amenity

Neighbouring Amenity

The site abuts a two-storey building on the southern side, No.322 Station Road, which is used for financial and professional services (Use Class A2). The building on the application site is of much greater scale than this property and the additional floor proposed which would be set back from the front elevation and would not project beyond the rear wall of No.322 Station Road. In this light, the extensions would have a nominal impact on the amenities of this property by way of overbearing or overshadowing issues.

To the north, the application site is separated from No.326-328 Station Road by an alleyway. The ground floor of this building is used for commercial use and the upper floors have a lawful residential use. Part of the development relates to the removal of the plant room and the construction of the additional marginally lower floor. The additional floor would have a lesser impact on the amenities of the occupiers of No.326-328 Station Road than the existing structure, given the reduced scale of the built form on the southern flank wall of the building.

The proposed residential units would be set a significant distance from the residential properties at Platinum House and would not result in any overlooking of these properties.

As such, it is considered that the proposed development would not adversely affect the amenities of any of the neighbouring occupiers, thereby according with policy 7.6.B of The London Plan 2011 and saved policies D4 and D5 of the Harrow Unitary Development Plan 2004.

Layout and Future Occupiers

The site is located in a town centre location and the surrounding land uses would not adversely affect the amenities of the future occupiers of the units. All of the proposed residential units would be dual-aspect and would provide good levels of outlook from all of the habitable rooms

Each of the proposed units would meet and exceed the minimum space standards set

out in the London Plan and Harrow's adopted SPD: Residential Design 2010. Good levels of external amenity spaces would be provided for each of the units.

The proposed development would provide a high quality layout and design and care has been taken to ensure the privacy and amenities of all occupiers would not be compromised. Accordingly, it is considered that the proposed development would accord with policy 7.6.B of The London Plan 2011, saved policies D4 and D5 of the Harrow Unitary Development Plan 2004 and policy AAP4 of the emerging AAP.

4) Traffic, Safety and Parking

The development proposes to allocate 4 car parking spaces within the site to the proposed residential units. The provision of 1 parking space per unit would exceed the adopted London Plan standard of 'less than 1 per unit'. However, the Highway Authority have commented on the application and in recognition of the high PTAL level of the site of 6a, it is considered that such provision would be unlikely to be realised. In order to encourage more sustainable modes of travel, a condition is attached requiring secure cycle spaces to be provided on site. In addition, and although unlikely, in order to ensure no adverse impact on the controlled parking areas in the locality, a condition is attached to ensure no residents are eligible for on-street parking permits unless registered disabled.

Subject to conditions, it is considered that the proposed development would broadly accord with policies 6.2, 6.3.A/B/C, 6.9 and 6.13.C/D/E of The London Plan 2011 and saved policies T6 and T13 of the Harrow Unitary Development Plan 2004.

5) Accessibility

The applicant has indicated in the Design and Access Statement and the submitted plans that all residential units would comply with the relevant Lifetime Homes standards and from viewing the submitted plans, this is considered to be a fair statement. The development would thereby accord with London Plan policy 3.5 and 7.2.C, policy CS1.K of The Harrow Core Strategy 2012, saved UDP policies D4 and C16, policy AAP4 of the emerging AAP, policy 2 of the emerging Development Management Policies DPD [DMDPD] and the adopted SPD: Accessible Homes 2010.

6) Sustainability

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

For minor development proposals, the development plan at this point does not set out energy and sustainability targets greater than those required by Building Regulations. As these standards will be secured through other legislation, no conditions are required in relation to sustainability measures. Nonetheless, the applicant has set out and made reference to the principles of sustainability in the Design and Access Statement, making reference to 'daylight and sunlight', the use of a 'breise soleil' to avoid overheating, air circulation and the provision of adequate space standards. Accordingly, no conflict with sustainability policies in the development plan is found.

7) 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. The applicant has not specifically referred to the

prevention of crime in the design proposal but it is considered that the development design would not result in any specific concerns in this respect. Nonetheless, it should be demonstrated that the development would accord with 'Secured by Design' principles. It is considered that this requirement could be secured by condition. Accordingly, and subject to a condition, it is considered that the proposed development would not increase crime risk or safety in the locality, thereby according with policies 7.3.B and 7.13.B of The London Plan 2011 and saved policy D4 of the Harrow Unitary Development Plan 2004 and policy AAP4 of the emerging AAP.

8) Consultation responses

None

CONCLUSION

The proposed development would provide investment into this prominent site within Harrow town centre. The development would deliver four new residential units on the site and would provide an enhancement to the public realm by refurbishment of the materials on the elevations of the property. The development would not adversely affect neighbouring amenity, whilst providing high quality town centre living space.

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

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

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

a: the proposed extensions and façade cladding materials

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

REASON: To ensure a satisfactory form of development and safeguard the appearance of the locality, thereby according with policies 7.4.B and 7.6.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and saved policy D4 of the Harrow Unitary Development 2004

3 Prior to the occupation of the flats hereby permitted, additional 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 in writing by the Local Planning Authority. Such details shall include the specific size and location of all equipment. The approved details shall be implemented prior to the first occupation of the building and shall be retained thereafter. No other television reception equipment shall be introduced onto the walls or the roof of the 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 which would be harmful to the character and appearance of the building and the visual amenity of the area, thereby according with policy 7.4.B of The London Plan

2011 and saved policy D4 of the Harrow Unitary Development Plan 2004.

4 No ventilation, extraction systems or associated ducting shall be introduced onto the exterior elevations of the building without the prior written permission of the Local Planning Authority.

REASON: To ensure an appropriate standard of development which provides a high quality appearance in the interests of the visual amenity of the area, thereby according with policy 7.6.B of The London Plan 2011 and saved policy D4 of the Harrow Unitary Development Plan 2004.

5 Prior to the development hereby approved being brought into use, details of a scheme for external lighting to the site shall be submitted to an 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 lighting within the site does not cause unacceptable nuisance to residents of the development, thereby according with saved policy D4 of the Harrow Unitary Development Plan 2004.

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

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

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the properties on the site, thereby according with saved policies D4 and T13 of the Harrow Unitary Development Plan 2004.

7 Before the development hereby permitted is occupied, arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within the Controlled Parking Zone.

REASON: To ensure that the scheme adequately addresses parking pressures locally and sustainability requirements of policies T13 and D4 of the Harrow Unitary Development Plan 2004.

8 The residential units hereby permitted shall not be occupied until four secure cycle spaces on the site have been provided for the use of these residential units.

REASON: To ensure sustainable modes of travel are utilised by the occupiers of the development, thereby according with policy 6.9 of The London Plan 2011

9 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 7.3.B of The London Plan 2011, saved policy D4 of the Harrow Unitary Development Plan (2004), and Section 17 of the Crime & Disorder Act 1998.

10 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: D-001; D-002; D-003; D-004; D-005; D-006; D-007; D-008; D-009; D-010; D-011; D-012; D-013; D-014; D-015; D-016; D-017; D-018; D-019; Planning Statement; 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 of the site would provide investment in the Harrow Metropolitan Centre and would contribute towards the identified development plan housing delivery targets. The development would refurbish an existing building with high quality materials and enhance the appearance of the building in the public realm. The scale of the extensions to the building are considered to be proportionate and appropriate, given the proposed refurbishments to the property, the appropriate siting of the extensions and the high quality finish to the building the proposals would provide.

The layout of the units would provide high quality living space within a sustainable town centre location and the development would not adversely the amenities of surrounding occupiers or 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

National Planning Policy Framework 2012

The London Plan [2011]:

- 3.3 – Increasing Housing Supply
- 3.4 – Optimising Housing Potential
- 3.5 – Quality and Design and Housing Development
- 3.8.B – Housing Choice
- 5.1 – Climate Change Mitigation
- 6.2 – Providing public transport capacity and safeguarding land for transport
- 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

6.13.C/D – Parking
7.1.B/C/D/E – Building London’s Neighbourhoods and Communities
7.2.C – An Inclusive Environment
7.3.B – Designing out Crime
7.4.B – Local Character
7.5.B – Public Realm
7.6.B – Architecture
7.13.B – Safety, Security and Resilience to emergency
7.15.B – Reducing Noise and Enhancing Soundscapes

The Harrow Core Strategy 2012

CS1 – Overarching Policy
CS2 – Harrow and Wealdstone

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

EM24 – Town Centre Environment
D4 – The Standard of Design and Layout
D5 – New Residential Development – Amenity Space and Privacy
D7 – Design in Retail Areas and Town Centres
D9 – Streetside Greenness and Forecourt Greenery
C16 – Access to Buildings and Public Spaces
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards
H7 – Dwelling Mix

Policies of the emerging Harrow and Wealdstone Area Action Plan Development Plan Document:

AAP1: Development within Harrow town Centre
AAP4: Achieving a High Standard of Development throughout the Heart of Harrow
AAP5: Density and Use of Development
AAP6: Development Height
AAP7: Creating a new Public Realm
AAP13: Housing within the Heart of Harrow

Policies of the emerging Development Management Policies Development Plan Document:

Policy 2: Achieving Lifetime Neighbourhoods

Adopted Supplementary Planning Documents

Supplementary Planning Document: Access for All 2006
Supplementary Planning Document: Accessible Homes 2010
Supplementary Planning Document: Sustainable Building Design 2009

2 INFORMATIVE:

Please be advised that were this application attracts a liability payment of £9,205.00 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority upon the grant of planning permission will be collecting the Mayoral Community Infrastructure Levy (CIL). Your proposal is subject to a CIL Liability Notice indicating a levy of £8,120 for the application, based on the levy rate for Harrow of £35/sqm and the additional net floor area of 263sq.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

5 COMPLIANCE WITH PLANNING CONDITIONS

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

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

6 CONSTRUCTION METHODS

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

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

7 INFORMATIVE:

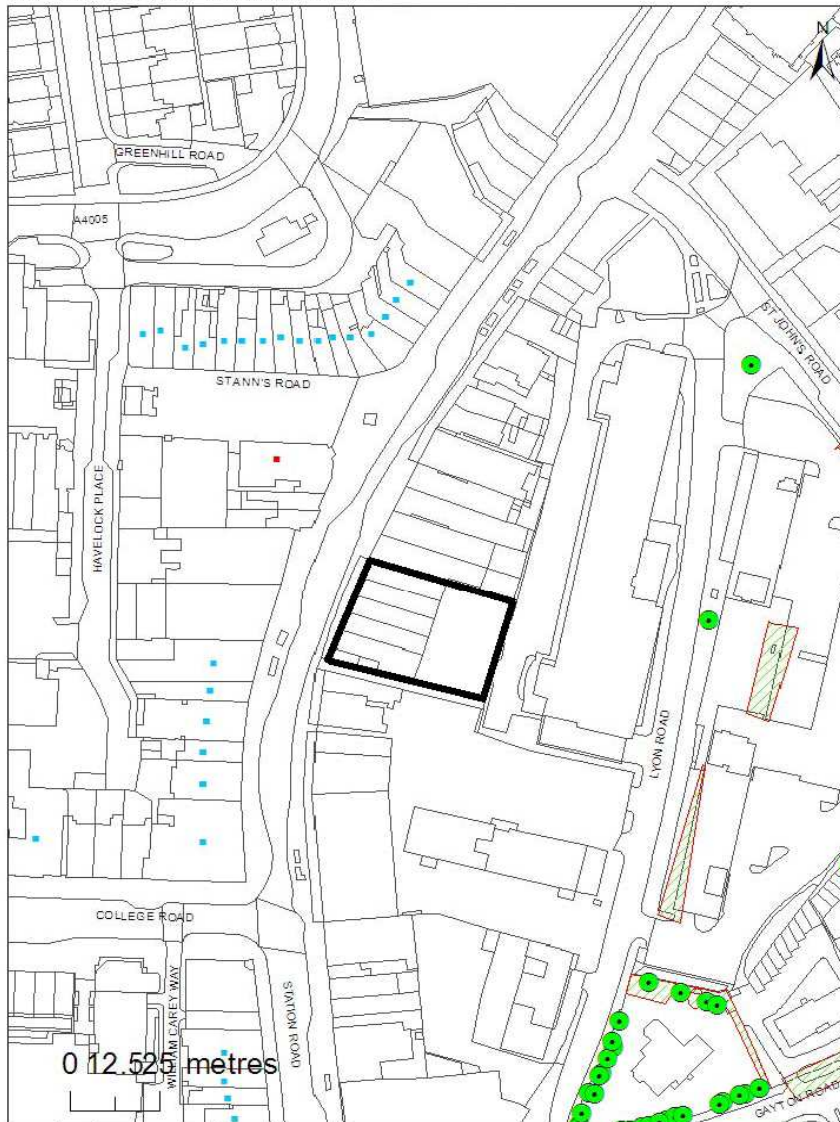
GRANT WITH PRE-APPLICATION ADVICE

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

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

Plan Nos: D-001; D-002; D-003; D-004; D-005; D-006; D-007; D-008; D-009; D-010; D-011; D-012; D-013; D-014; D-015; D-016; D-017; D-018; D-019; Planning Statement; Design and Access Statement

324-326 STATION ROAD, HARROW



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Item No. 2/03
Address: EASTCROFT HOUSE, 100 NORTHOLT ROAD, HARROW
Reference: P/2972/12
Description: CHANGE OF USE OF EXISTING GROUND FLOOR COMMERCIAL UNIT INTO THREE SELF-CONTAINED FLATS (USE CLASS C3); EXTERNAL ALTERATIONS
Ward: ROXBOURNE
Applicant: BELLWAY HOMES LTD
Agent: BARTON WILMORE
Case Officer: FERGAL O'DONNELL
Expiry Date: 03 JANUARY 2013

RECOMMENDATION

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

REASON

The applicant has demonstrated that the viability of the application site to provide the strategic objective of job growth and economic diversity has diminished and is unlikely to be realised in the short or long term. The proposed development would, however, provide an alternative strategic objective of the development in providing net additional housing units to the housing stock in the borough, contributing to the identified requirement of at least 406 new homes for the South Harrow sub-area identified in the development plan. The development would also add the vibrancy and vitality of the area, delivering a strategically important use to a unit which has been vacant in the long term. For these reasons, the development would accord with the strategy objectives of the development plan, and a departure from saved policy EM113 of the Unitary Development Plan is therefore justified in this instance.

The proposed residential units, subject to conditions relating to layout, materials and the provision of secure cycle spaces would provide high quality accommodation within a sustainable location and would not adversely affect the character of the area of neighbouring amenities.

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, the saved policies of Harrow's Unitary Development Plan 2004 and the emerging Development Plan Document Development Management Policies, 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 the proposal constitutes a material departure from the development plan and is therefore excluded by provision D of the Scheme of Delegation dated 14 March 2012.

Statutory Return Type: Minor Dwellings

Council Interest: None

Gross Proposed Internal Floorspace: 230sqm

Net Additional Floorspace: 0sqm

GLA Community Infrastructure (CIL) Contribution: 230sqm x £35 = £8,050. CIL is applicable as the area in question has been vacant for more than 6 months

Site Description

- Site is 0.48 ha in area and is located on the west side of Northolt Road
- Planning permission, P/2471/06/CFU, was granted for 150 flats and 834m² of commercial space at ground and first floor level. A subsequent planning permission (P/3137/10) granted permission for 8 further units, reducing the level of commercial floor space to just that on the ground floor.
- The residential units on the site are now occupied. The commercial spaces have not been occupied since completion of the development.
- The site is approximately 400m north of the South Harrow District Centre and the South Harrow underground station.
- The surrounding area has a mixture of uses – retail, offices and residential
- To the immediate north of the site is Templar House a 7-storey block of 84 affordable housing units.
- To the immediate south is the junction of Northolt Road and Cowen Avenue
- To the immediate east across Northolt Road are 3-4 storey blocks of flats
- To the west is a petrol filling station and superstore with its car park.
- The site is within the Northolt Road, South Harrow Employment Area as designated in the UDP.

Proposal Details

- It is proposed to change the use of part of the ground floor of the building fronting Northolt Road from commercial space to three self contained residential units.
- Two of the units would be one-bed units and the other unit would be a two bed unit. Each of the units would have Gross Internal Areas (GIAs) of 59, 73 and 71sqm respectively.
- Each of the units would be accessed via a central lobby to the rear of the building.

Relevant History

P/24714/06/CFU

Redevelopment To Provide 150 Residential Units And 834 Square Metres Of Commercial Floor Space In A Block Varying In Height Three To Eight Storeys And Tower
Granted: 19 October 2006

P/3498/08

Change Of Use Of 834 Square Metres Of Office Floor Space To Nine Flats

Refused: 22 December 2008

Reasons for Refusal:

1 The proposed change of use would, due to the loss of designated office space of strategic importance to South Harrow and the wider borough, be unacceptable in principle

and contrary to policies SEM1 & EM13 of the Harrow Unitary Development Plan 2004.

2 The proposed development by reason of failing to provide affordable housing and failing to justify the viability of affordable housing provision, would fail to address the key aims of PPS1 of promoting mixed and balanced communities and would result in an unacceptable and unsustainable housing development contrary to policies 3A.1, 3A.2, 3A.9, 3A.10 & 3A.11 of the Consolidated London Plan 2008.

3 The proposed development by reason of its poor layout and location next to sources of disturbance and inadequate provision of outdoor amenity space for the larger family sized units would result in poor living conditions for future occupants contrary to policy 4B.1 of the consolidated London Plan 2008 and policies D4, D5 and EP25 of the Harrow Unitary Development Plan 2004.

P/0221/09

Change Of Use of 460 Square Metres of First Floor Office Floor Space to Eight Flats

Refused: 20 April 2009

Dismissed on Appeal: 29 October 2009

Reasons for Refusal:

1 The proposed change of use by reason of the loss of designated office space of strategic importance to South Harrow and the wider borough, is unacceptable in principle and contrary to policies SEM1 & EM13 of the Harrow Unitary Development Plan 2004.

2 The proposed development by reason of failing to provide affordable housing and failing to justify the viability of affordable housing provision, would fail to address the key aims of Planning Policy Statement 1 (PPS1) which seeks to promote mixed and balanced communities and would result in an unacceptable and unsustainable housing development contrary to policies 3A.1, 3A.2, 3A.9, 3A.10 & 3A.11 of the Consolidated London Plan 2008.

P/0572/10

Change Of Use Of Ground And First Floors From Commercial To Education Use (Class To D1)

Granted: 16 June 2010

P/3137/10

Change Of Use Of Part First Floor From Commercial To 8 Self Contained Flats (Use Class C3)

Granted: 22 March 2011

Applicant Submission Documents

- Planning Statement, including Design and Access Statement;
- Marketing and Marketing Activity Report

Consultations

Thames Water

No response receive to date

Advertisement: Departure from Development Plan

Expiry: 10 January 2013

Site Noticed Erected: 04 December 2012

Expiry: 27 December 2012

Notifications

Sent: 166
Replies: 0
Expiry: 11 December 2012

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].

While this application has been principally considered against the saved policies in the Harrow Unitary Development Plan 2004, regard has also been had to relevant policies in the pre-submission draft of the Development Management Policies DPD (DM DPD) which forms a part of the emerging Local Development Framework for the Borough and will eventually replace the Harrow Unitary Development Plan 2004 when adopted.

The document has been subject to two rounds of consultation; between 13 May 2011 and 24 June 2011 on the Council's Preferred Options Development Management Policies, and between 27 July 2012 and 7 September 2012 on the Pre-submission Draft document. The DPD has now been sent to the Secretary of State for Examination in Public which is expected to be held in January 2013. Before this, a 4 week consultation took place between 11 October 2012 and 8 November 2012 on the Council's Proposed Minor Modifications to the DPD as a result of responses received to the Pre-submission Consultation.

MAIN CONSIDERATIONS

- 1) Principle of Development and Lane Use
- 2) Character, Design and Layout and Amenity
- 3) Parking and Highway Safety
- 4) S17 Crime & Disorder Act
- 5) Consultation Responses

2) Principle of Development and Land Use

The National Planning Policy Framework [NPPF] sets out a strategy in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. The adopted Harrow Core Strategy 2012 [CS] accords the principles of the NPPF and sets out key objectives for the borough over the course of the development plan. In relation to this application two of the objectives set out in the CS

are relevant, (i) the objective to deliver 6,050 net additional homes over the plan period and (ii) promote job creation and business growth.

The application runs contrary to saved policy EM13 of the Harrow Unitary Development Plan and therefore represents a departure from the development. Saved policy EM13 states that *“the Council will resist the loss of land and buildings within the following business use areas, as defined on the proposals map, from business and light industrial B1 uses: - ... Northolt Road, South Harrow (North of South Harrow Station) ... those industrial areas listed above ... are of borough significance, and will be protected equally from loss to other uses.”* In considering this application, it is necessary to consider whether other material considerations are present so that this policy should be aside.

The applicant has put forward a number of material considerations why a departure from the development should be supported in this instance and these can be summarised as follows:

- The site has been extensively marketed over a period of over four years, firstly as two floors of commercial space, and more recently since the occupation of first floor, solely as ground floor commercial space without any significant interest;
- The office market in the area has been depressed for a number of years and the likelihood of attracting an occupier continues to diminish;
- The space is not attractive to office or other commercial users due to the perceived residential predominance of the site;
- The premises are unsuitable for B1 office use due to the poor level of car parking spaces available;
- The rising levels of available office space within proximity to the application site;
- The adoption of the NPPF which seeks in part to avoid the long term protection of commercial space where there is no reasonable prospect of the site being used for that purpose;
- The emerging policies of the DM DPD encourage the reuse of redundant office space for housing

The applicant has submitted a marketing report for the area and each of the points expressed above are considered to be fair, providing some justification that the lawful use of the site is no longer a viable option.

In addition to the material considerations outlined by the applicant, it should be noted that in recognition of the declining demand for office space in the borough, the CS has set out objectives which seek to consolidate the provision and supply of office space within Harrow town centre and other appropriate areas in order to provide high quality business centres that are ‘fit-for-purpose’. This Proposal Map DPD, which will be examined in tandem with the other DPDs, in recognition of the declining viability of office space outside of Harrow town centre, proposes to remove the site of Eastcroft House from the business use area within the Proposals Map DPD.

Policies 33 and 40 of the emerging DM DPD relate to the conversion of office space to other uses, and in the case of policy 33, specifically to housing. Policy 40 sets out a sequentially preferably order for the release of land where this land is considered surplus to requirements, indicating that land and buildings not identified in the proposals map forming part of designated industrial and business use or business use area to be released in the first instance. The proposal would satisfy this criterion.

Policy 33 of the emerging DM DPD specifically relates to office to housing proposals and states that where offices are found to be redundant, the conversion of offices will be supported subject to further detailed design, layout and amenity criteria.

The adopted CS seeks to consolidate office stock within Harrow town centre and other appropriate locations and the release of office uses outside of these locations should therefore be supported provided it can meet the other strategic objectives of the development. The applicant has demonstrated in the submission of supporting documents that the prospects of attracting an office user for the site are low and the commercial space has become virtually redundant, given the material considerations the applicant has detailed above. In balancing the competing strategic objectives of the CS, it is clear that the residential units proposed would be delivered, contributing to the provision of the minimum number of 406 new homes identified in the CS to provided in the South Harrow area, whereas the objective of job creation and business growth is unlikely to be delivered.

Though the policies of the DM DPD are not yet adopted, they are in compliance with the adopted CS and should be afforded weight in the consideration of this application. The policies of the DM DPD support the release of this land to residential use in principle and particularly in this sequentially preferable location.

It is considered that the evidence submitted by the applicant, in association with the emerging policy context for the site constitutes compelling reasons why a departure from the development plan, in light of other material considerations, would be justified and appropriate in this instance. Accordingly, it is considered that the principle of development is acceptable.

2) Character, Design and Layout and Amenity

Saved policy D4 of the Harrow Unitary Development Plan 2004 (HUDP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. The saved policies of the UDP broadly reflect policies 7.4.B and 7.6.B of The London Plan 2011 and policy CS1.B of the Harrow Core Strategy 2012 which seek to ensure that development respects local character and provide architecture of proportion, composition and scale that enhances the public realm. The Council has adopted Supplementary Planning Document – Residential Design Guide 2010 [Design Guide SPD) and Supplementary Planning Document – Accessible Homes 2010 [Accessible Homes SPD] to supplement saved policies D4, D5 and C16, amongst other saved policies, which provide detailed guidance on appropriate residential accommodation and accessibility. These SPDs have been adopted following public consultation and, as such, carry substantial weight as a material planning considerations.

Policies 1, 2 and 33 of the DM DPD broadly reflect the thrust of saved policies D4, D5 and C16 of the UDP and are relevant to this application.

Character and Appearance

The additional provision of residential accommodation on the site would accord with the only other land use on the site. The residential use of the ground floor would be easily assimilated into the site and would not therefore impact on the character of the area. Some minor external alterations are proposed and subject to conditions to ensure the materials used would match those of the existing building, no objections are raised to these alterations.

Neighbouring Amenity

The development would continue the predominant existing use profile of the site and external works to the building would not adversely affect neighbouring amenity.

Design and Layout

Each of the units would have a single aspect. However, each of the units would also be well above the minimum space standards outlined in the London Plan and the adopted Design Guide SPD and would provide a comfortable and satisfactory level of accommodation. It is considered that the absence of external amenity space would be overcome by the generous internal space within the units.

Each of the units would provide adequate levels of outlook. However, with the exception of the two-bed unit at the north-eastern end of the ground floor, the development would result in an inappropriate stacking arrangement with the units on the first floor of the building, with bedrooms located over kitchens and living areas and vice versa. It is acknowledged that this building has been built with concrete ceilings/floors which provide a high level of sound insulation in itself. However, in order to satisfactorily address this issue, the permission is conditional upon details of sound insulation measures to ensure the proposal would not result in a harmful living environment for the future occupiers.

Accessibility

The applicant has indicated that each of the units would achieve the 16 Lifetime Homes standards [LHS] with the exception of LHS 5 (easy access communal stairs), 7 (wheelchair turning circles) and 15 (window openings). As no stairs are proposed LHS 5 is not applicable to this development. In respect of LHS 7, the failure to provide adequate wheelchair turning circles and circulation space in dining and living areas is not accepted as the overall internal floor areas would provide sufficient overall space to provide a layout which would accommodate this requirement. In respect of LHS 15, the applicant has indicated that external alterations will be made to the windows and it is not understood how this standard could not be achieved. As each of the relevant LHS could be addressed with a revised design, a condition is attached requiring the applicant to demonstrate compliance with each LHS or, if they cannot be achieved, provide the reasoning why the standards cannot be achieved. Subject to such a condition, the development would accord with policies 3.5.B, 3.8 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, policy 1 and 2 of the emerging DMDPD and adopted Accessible Homes SPD.

3) Parking and Highway Safety

The Highways Authority has commented on the application and, given the relatively high level of public transport accessibility (PTAL levels), it is considered that there would be no undue impact on highway safety or parking as a result of the proposal. In order to provide for sustainable modes of travel, three secure cycle spaces should be provided on the site and this will be secured by condition, thereby according with policy 6.9 of The London Plan, saved policy T13 of the HUDP and policy 53 of the emerging DMDPD.

4) 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. Though the units would be accessed from the rear and outside of public surveillance areas, the rear of the site is overlooked by the other units on the site and is also secured by electronic gates, thereby discouraging crime and disorder. Accordingly, it is considered that the proposed development would not adversely affect crime or safety.

5) Consultation responses

None

CONCLUSION

Adopted development plan policies require a balance to be struck between the competing objectives of the development plan. The applicant has demonstrated that the development plan objective of providing jobs and business growth is unlikely to be realised. In contrast, the provision of new homes would fulfil another objective of the development and would be realised. The adopted Harrow Core Strategy and the emerging policies of the other Development Plan Documents within the Local Development Framework recognise the decreasing viability of locations such as the application site to deliver job growth in the borough and seeks to consolidate such uses within Harrow town centre and other more appropriate locations, removing the application site from the business use area in the Proposals Map DPD. On this basis, a departure from saved policy EM13 of the Harrow Unitary Development Plan is considered appropriate in this instance.

The three new units, subject to conditions relating to layout, materials and the provision of secure cycle spaces would provide high quality accommodation within a sustainable location and would not adversely affect the character of the area of neighbouring amenities.

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

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

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

REASON: To ensure a satisfactory form of development and safeguard the appearance of the locality, thereby according with policies 7.4.B and 7.6.B of The London Plan 2011 and saved policies D4 and D7 of the Harrow Unitary Development 2004.

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

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

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the properties on the site, thereby according with saved policies D4 and T13 of the Harrow Unitary Development Plan 2004.

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

REASON: To ensure provision of Lifetime Home standard housing in accordance with policies 3.1, 3.5, 3.8 and 7.2 of The London Plan (2011), saved policies D4 and C16 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Accessible Homes (2010).

5 Notwithstanding the details shown on the approved plans, the development hereby approved shall not be occupied until details of sound insulation, measures between the ground floor flats and the existing first floor flats have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development would not adversely affect the amenities of the future occupiers of the ground floor units as the plans show a conflict in the stacking arrangement between the ground floor and first floor flats thereby according with policy 7.6.B of The London Plan, saved policy D4 of the Harrow Unitary Development Plan 2004 and Supplementary Planning Document: Residential Design Guide 2010.

6 The residential units hereby permitted shall not be occupied until three secure cycle spaces have been provided for the use of the approved residential units.

REASON: To ensure sustainable modes of travel are utilised by the occupiers of the development, thereby according with policy 6.9 of The London Plan 2011.

7 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: PL-700 Rev P1; PL-701 Rev P1; PL-702 Rev P1; PL-703 Rev P1; PL-704 Rev P1; PL-705 Rev P1; PL 706 Rev P1; PL-707 Rev P1; Site Plan 01; Planning Statement incorporating Details of Design and Access Statement; Marketing and Marketing Activity Report

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 applicant has demonstrated that the viability of the application site to provide the strategic objective of job growth and economic diversity has diminished and is unlikely to be realised in the short or long term. The proposed development would, however, provide an alternative strategic objective of the development in providing net additional housing units to the housing stock in the borough, contributing to the identified requirement of at least 406 new homes for the South Harrow sub-area identified in the development plan. The development would also add the vibrancy and vitality of the area, delivering a strategically important use to a unit which has been vacant in the long term. For these reasons, the development would accord with the strategy objectives of the development plan, and a departure from saved policy EM16 of the Unitary Development Plan is therefore justified in this instance.

The proposed residential units, subject to conditions relating to layout, materials and the provision of secure cycle spaces would provide high quality accommodation within a sustainable location and would not adversely affect the character of the area of

neighbouring amenities.

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, the saved policies of Harrow's Unitary Development Plan 2004 and the emerging Development Plan Document Development Management Policies, 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

3.5.B/C/D/E: Quality and Design of housing developments

3.8.B: Housing Choice

6.13.C/D: Parking

7.2.C: An Inclusive Environment

7.3.B: Designing out Crime

7.4.B: Local Character

7.6.B: Architecture

The Harrow Core Strategy 2012

CS1.A/B/O: Overarching Policy

CS4: South Harrow

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

EP25: Noise

D4: The Standard of Design and Layout

EM13: Land and Buildings in Business Use – Designated Areas

EM21: Long Term Vacancies

C16: Access to Buildings and Public Spaces

T13: Parking Standards

Policies of the emerging Development Management Policies Development Plan Document:

Policy 1: Achieving a High Standard of Development

Policy 2: Achieving Lifetime Neighbourhoods

Policy 33: Office Conversions

Policy 40: Supporting Economic Activity and Development

Adopted Supplementary Planning Documents

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

4 INFORMATIVE:

COMPLIANCE WITH PLANNING CONDITIONS

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

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

5 INFORMATIVE:

GRANT WITHOUT PRE-APPLICATION ADVICE

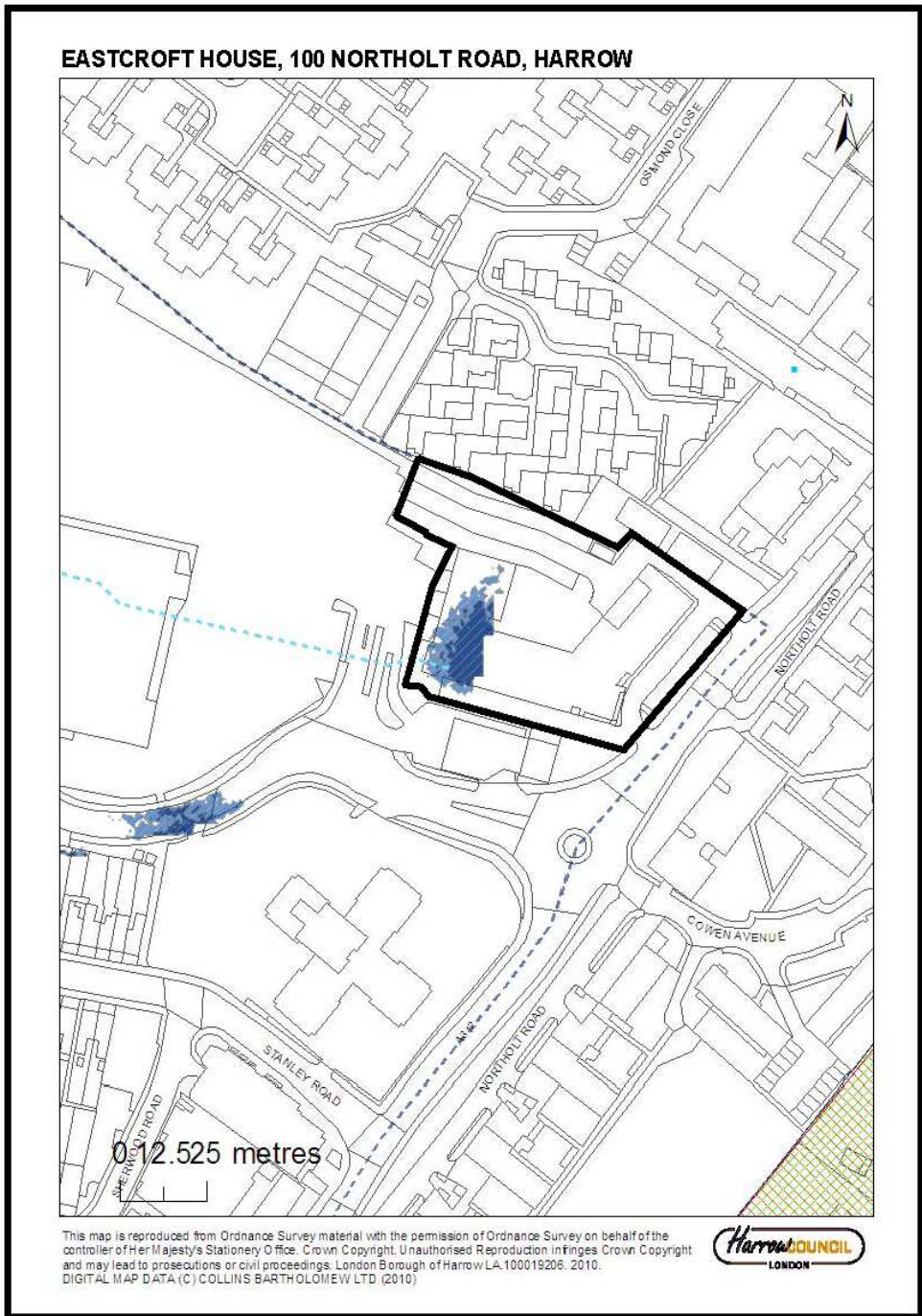
Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

6 INFORMATIVE:

Please be advised that were this application attracts a liability payment of £8,050 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 £8,050 for the application, based on the levy rate for Harrow of £35/sqm and the additional net floor area of 230sq.m.





Appeal Decision

Hearing held on 29 September 2009
Site visit made on 29 September 2009

by **Geoff Salter** BA 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:
29 October 2009

Appeal Ref: APP/M5450/A/09/2105312
Raebarn House, 100 Northolt Road, Harrow, HA2 0YJ

- 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 Bellway Homes Ltd against the decision of the Council of the London Borough of Harrow.
- The application Ref P/0221/09, dated 30 January 2009, was refused by notice dated 20 April 2009.
- The development proposed is change of use of first floor office accommodation to eight residential flats.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is whether the proposal would undermine the objectives of the adopted Unitary Development Plan (UDP) to retain a range of employment premises in suitable designated areas.

Reasons

3. The appeal site comprises part of the first floor of a development currently under construction for 150 flats and office space at ground and first floor levels. The site lies about 350m north of South Harrow station within an area shown on the Harrow UDP for business use, where the Council will resist the loss of buildings for business uses in accordance with Policy EM13. I note that the character of the northern section of the business area, which is divided into two parts on the north west side of Northolt Road, appears to have undergone some change in recent years, despite the business use designation. While a large telephone exchange building and police station remain, permission has been granted for residential redevelopment on two other sites and a change of use to hotel on a third. The Council argued that these decisions were justified by the circumstances in each case, citing: the need for affordable housing; that one site was never in employment use; and the employment benefits of the hotel proposal.
4. Notwithstanding the reasons for these decisions, the saved policy of the UDP remains in place and no revised policy context is imminent. The appellants advanced the lack of demand for office premises in the area as an important material consideration to set against the apparent conflict with policy. The appellants had started marketing the floorspace in December 2007, either as a

separate unit of 432 sq m or in combination with the ground floor offices of 151 sq m. However, at that time construction had only just started and completion was several months away. The initial asking price, either to rent or buy, seemed to me to be relatively high in comparison with other available premises nearby. While some of these buildings did not offer the high quality of the appeal site, other floorspace has been available at a lower rate. For example, some 2000 sq m of reasonable quality space at Townsend House about 150 m to the south has been available at about one third of the asking rental at Raebarn House. Although a larger area than the appeal site, separate floors of about 470 sq m could be rented individually.

5. The appellants' point that the failure to find an occupant for these alternative premises indicates a market with very poor demand has some force. But the last 18 months or so have been acknowledged as the worst conditions for commercial property for very many years, probably decades. I understand that the asking price for the appeal space has been reduced and other incentives, such as an initial rent free period, have been offered. However, I am not convinced that these offices, which would be eminently suitable for a business employing 40 or so people, would remain empty indefinitely during any economic recovery, at whatever pace. I agree with the Council that a marketing period of about two years from when the building was realistically available, at reasonable asking prices, would be a proper test of market demand for modern offices of this size in the NW London sector.
6. I see no reason why potential occupiers should be significantly deterred by the location of the space within a primarily residential block. The premises are self contained, in a reasonably attractive environment with a separate entrance and their own parking spaces, close to good public transport links.
7. In summary, I consider it would be premature to accept the loss of a modern office unit in a good accessible location in conflict with the established UDP policy. Despite the difficult marketing experience to date, the rather different nature of the appeal premises, in terms of size and its potential quality, from nearby premises stands out. In the absence of a more extended marketing campaign, to allow the residential conversion would have a harmful effect on the potential supply of a range of modern, high quality, suitably located employment premises necessary to support the local economy in the long term.
8. For the reasons given above I conclude that the appeal should be dismissed.

Geoff Salter

APPEARANCES

FOR THE APPELLANT:

James McConnell BA MSc MRTPI Planner, Bellway Homes
Peter Brown BSc MRICS Surveyor, Brasier Freeth
Andrew Almond BSc Bellways Homes

FOR THE LOCAL PLANNING AUTHORITY:

Orla Hynes BSc MSc Planning Officer

DOCUMENTS

- 1 Marketing timeline prepared by Brasier Freeth
- 2 UDP Proposals Map extract

Item No. 2/04
Address: DUNWOODY HOUSE, 396 KENTON ROAD, HARROW
Reference: P/2594/12
Description: PROPOSED USE OF GROUND FLOOR FOR ALTERNATIVE USE AS EITHER CLASS B1 (OFFICE) OR NON-RESIDENTIAL INSTITUTION FOR THE PROVISION OF EDUCATION (CLASS D1), AND INSTALLATION OF A PLATFORM LIFT TO FRONT ENTRANCE
Ward: KENTON EAST
Applicant: MR K POPAT
Agent: SCOTT PLANNING ASSOCIATES LTD
Case Officer: CALLUM SAYERS
Expiry Date: 13/12/2012

RECOMMENDATION

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

REASON

The proposed change of use would not adversely impact on economic viability or the employment offer of the area given the particular circumstances of the application site. The proposed change of use and erection of access lift would have a negligible impact on the character and appearance of the area and subject to conditions, the development would not adversely impact upon the neighbouring amenities or 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, the saved policies of Harrow's Unitary Development Plan 2004 and the emerging Development Plan Document Development Management Policies, and to all relevant material considerations, and any comments received in response to publicity and consultation.

INFORMATION:

This application is reported to Planning Committee as it proposes a change of use of floor area more than 400m² (420m²) and therefore falls outside Category 7 of the Scheme of Delegation.

Statutory Return Type: Change of use
Council Interest: None

Site Description

- The application site is a three storey office building with basement/ lower ground floor parking located on the northern side of Kenton Road adjacent to its junction with Westfield Drive.
- The application relates to offices on the ground floor of the building. The Design and Access Statement states that the ground floor is half vacant and has been since 2007.
- The existing site has 15 car parking spaces located within the existing basement level, with 5 spaces located in the forecourt.
- The lawful use of the application site is as offices (Class B1).
- The ground floor of the building is raised in comparison with the surrounding external ground level and there is a 7 step staircase to enter the building.

Proposal Details

- The application seeks planning permission to change of the use of the ground floor of the building to a B1 or D1 use.
- The change of use to the proposed D1 use would provide for an education facility, which would offer teaching for between 80 – 100 students with approximately 10 members of staff.
- The proposed opening hours for the B1 & D1 uses are Monday to Friday 8.30 – 18.00, and closed on weekends or bank holidays.
- It is proposed to erect a Stannah Midlift Platform public lift on the front elevation of the building on the eastern corner, which would provide inclusive access into the ground floor level. The lift would be 1.33m by 1.60m with a height of 2.72m.

Relevant History

P/2357/09

CHANGE OF USE OF PART OF SECOND FLOOR FROM OFFICES TO NON RESIDENTIAL TRAINING CENTRE (CLASS B1 TO D1)
WITHDRAWN - 22/12/2009

P/1011/10

CHANGE OF USE OF PART OF SECOND FLOOR FROM OFFICES TO NON RESIDENTIAL TRAINING CENTRE (CLASS B1 TO D1) (REVISED)
WITHDRAWN - 17/06/2010

P/3206/10

CHANGE OF USE OF PART OF SECOND FLOOR FROM OFFICES TO NON RESIDENTIAL TRAINING CENTRE (CLASS B1 TO D1) (REVISED)
REFUSED 02/02/2011

Reasons for Refusal:

1 The proposal, by reason of its siting in close proximity to existing offices on the second floor of the building, would have a detrimental impact upon the use of adjacent offices due to associated disturbance as a result of the nature of the use proposed, contrary to the objectives of saved policies EM15 and EP25 of the Harrow Unitary Development Plan (2004).

2 The use, by reason of the lack of provision of level access to the building, is not fully accessible and fails to make adequate provision for people with disabilities, contrary to saved policies D4, C7, C16 and C17 of the Harrow Unitary Development Plan (2004) and the Supplementary Planning Document: 'Access for All' (2006).

Applicant Submission Documents

- Design & Access Statement
- Marketing Evidence

Consultations

Traffic and Parking – No Objections
London Borough of Brent – No Objection
Brent Council – No Objection.

Notifications

Sent: 16
Replies: 0
Expiry: 21 November 2012

Addresses Consulted:

390 Kenton road, Harrow, HA3 9DS
398, 398a, 398b, 400, 400a, 402, 402a Kenton road, Harrow, HA3 9DW
Suite A – T Dunwoody & Partners, Dunwoody House, 396 Kenton Road, HA3 9DH
1 Hillingdon Court, Westfield Drive, Harrow, HA3 9EG
2 Hillingdon Court, Westfield Drive, Harrow, HA3 9EG
1, 3, 5 Westfield Drive, Harrow, HA3 9EG
2, 4 Westfield Drive, Harrow, HA3 9EQ
St Lukes Hospice, Kenton Grange, Kenton Road, Harrow, HA3 0YG

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].

While this application has been principally considered against the saved policies in the Harrow Unitary Development Plan 2004, regard has also been had to relevant policies in the pre-submission draft of the Development Management Policies DPD (DM DPD) which forms a part of the emerging Local Development Framework for the Borough and will eventually replace the Harrow Unitary Development Plan 2004 when adopted.

The document has been subject to two rounds of consultation; between 13 May 2011 and 24 June 2011 on the Council's Preferred Options Development Management Policies,

and between 27 July 2012 and 7 September 2012 on the Pre-submission Draft document. The DPD has now been sent to the Secretary of State for Examination in Public which is expected to be held in January 2013. Before this, a 4 week consultation took place between 11 October 2012 and 8 November 2012 on the Council's Proposed Minor Modifications to the DPD as a result of responses received to the Pre-submission Consultation.

MAIN CONSIDERATIONS

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

1) Principle of Development and Land Use

The application is for a proposed dual use for B1 or D1. Given that the property is already in a B1 use, for the purposes of this assessment only the D1 element will be considered.

Saved policy EM15 states that the Council will normally only permit changes of use from B1 use outside of designated areas where it can be demonstrated that: a) there is sufficient provision of other sites or premises available for B1, B2 and B8 uses within the local area and throughout the remainder of the borough; b) there is no unacceptable harm to the local economy; c) there is satisfactory evidence that the site has been marketed extensively for B1, B2, and B8 uses; d) the site has been vacant for a considerable length of time; e) in the case of B2 or B8 uses, continued use would have an impact on the amenity of neighbouring occupiers; f) access to public transport is poor and is unlikely to be improved; and g) access for delivery vehicles is poor, where required, and unlikely to be improved. Saved policy EM15 of the HUDP (2004) requires planning authorities to give consideration to market and other economic information, whilst take account of the longer term benefits as well as the costs and consider whether proposals help meet the wider objectives of the development plan. Policies CS1.O and CS2.R of the Harrow Core Strategy 2012.

Given the current economic climate, the demand for office space within the Borough has seen a steady decline. This is reflected in the Council's monitoring reports on B1 office space in the Borough, which shows an increase almost every year in the past ten years in the amount of vacant office floor space, despite the decreasing overall provision of office floor space. The applicant has demonstrated the availability of B1 office space in the supporting documents, thereby satisfying criterion (a) of saved policy EM15 of the UDP. The applicant has stated that the premises have been vacant for the period of marketing (up to 18 months) and whilst the use of the site for offices rather than educational uses is likely to generate a greater economic value to the borough, given the vacancy of the premises for this period, it is considered that having the premises occupied and used, would provide a viable alternative to the use of the site as offices. It is clear then that the site has been vacant for a considerable length of time with little prospect of occupation in the near future. In this respect, it is considered that there would be no unacceptable harm to the local economy resulting from the loss of B1 office space. The proposed development would therefore meet the tests of criteria (b) and (d) of saved policy EM15 of the UDP.

The applicant has also demonstrated that the site has been marketed for B1 office use through a local estate agent in the area for a significant period of time and it noted that the other units within the property have also been marketed before the ground floor unit became vacant without success. As such, it is considered that the development would satisfy criterion (c) of saved policy EM15 of the UDP. Criteria e and g of saved policy EM15 are not applicable in this instance and whilst the site is in a highly accessible area, the use of the site for educational purposes requires an accessible location and the proposal would not therefore conflict with criterion f of saved policy EM15 of the UDP.

Saved policy C7 of the HUDP (2004) states that the Council will seek to ensure that appropriate educational facilities are provided subject to three criteria; a) that there is a need for new education facilities in the area; b) accessibility levels of the site; c) availability of a safe-setting down and picking-up area.

The site is located in a highly accessible location and though no demonstrable need for educational facilities has been submitted by the applicant, it is recognised within the Core Strategy that educational uses are an expanding area of growth. The high accessibility of the site will appeal to potential students and it is considered that there will be adequate demand in this location for such facilities. The site has safe access and as discussed in the Travel Plan, it is likely that many students will use public transport. The accessibility levels of the site will be discussed in Section 4 of the Appraisal below.

2) Character, Design and Layout and Amenity

Saved policy D4 of the Harrow Unitary Development Plan 2004 (HUDP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. The saved policies of the UDP broadly reflect policies 7.4.B and 7.6.B of The London Plan 2011 and policy CS1.B of the Harrow Core Strategy 2012 which seek to ensure that development respects local character and enhances the public realm. The NPPF and policy 7.8.C/D/E of The London Plan 2011 set out similar aims.

The only external change to the property would be the introduction of an access lift on the front elevation by the main entrance steps and door. The proposed access lift would be of a similar appearance and of a secondary nature to the existing building. It is therefore considered that the proposed structure would not result in an incongruous feature within the existing street scene. The existing boundary between the forecourt and the public highway is noted as having well established soft landscaping, which would assist in partially screening the proposed lift from the existing street scene.

Given the nature of the site, the location of the site with regards to neighbouring residential occupiers and the nature of the proposal, it is considered that the proposed change of use would not have any undue detrimental impacts upon the residential amenities of neighbouring occupiers. The proposed development would therefore accord with policy 7.15.B of The London Plan 2011 and saved policy EP25 of the Harrow Unitary Development Plan 2004.

A previous reason for refusal was for the loss of amenity to existing offices within the second floor of the application building. It is noted previously it was proposed for a D1 use to occupy part of the second floor, and as such would share with existing offices within the same floor level. It was considered that there would be unacceptable harm to the existing offices on the same floor by way of an increase in noise and disturbance as a

result of the close proximity between the different uses. The current application would see the proposed D1 use consolidated to just one floor, with any existing offices to be relocated to the first floor and above. It is considered that this would overcome the previous reason for refusal and provide an acceptable relationship between the different uses within the building.

The proposed access lift would be sited on the eastern corner of the existing front elevation, which would be adjacent to the Westfield Road. As a result of its appropriate siting and the location of the existing building on a junction, there would be no loss of amenity to neighbouring properties at either side of the application site

It is therefore considered that the proposed change of use and the access lift on the front elevation would not result in any adverse effect on the character and appearance of the surrounding area.

The proposed development would therefore accord with the National Planning Policy Framework, policy 7.4.B, of The London Plan 2011, policies CS1.B of The Harrow Core Strategy 2012 and saved policy D4, of the Harrow Unitary Development Plan 2004.

3) Parking and Highway Safety

The application site has a PTAL of 2, which is noted as being low. Although the Public Transport Accessibility Level is in fact low, the site is within walking distance of a number of bus routes which will to a degree encourage the use of sustainable transport. Hence, it is considered that the site is an appropriate location for an educational use given the requirements of national, strategic and local planning policies for such facilities to be located in areas that minimise reliance on use of the private car. There are currently 20 car parking spaces, which will remain unchanged through the development.

Given the spread of anticipated student classes consisting of 80-100 students of which a significant proportion are not expected to be private car users, it is not therefore envisaged that any measurable issues will result from the proposal. To reinforce the aspect of promoting sustainable means of travel, it is required that a Travel Plan would be adopted following occupation of the site. The requirement of a Travel Plan for the proposal would be secured by way of planning condition.

There should be one secure cycle space provided per 8 staff and students. On that premise, at least fourteen secure cycle spaces should be provided to conform to The London Plan 2011 standards. This has not been shown on site or plans. However, this can be secured by way of a condition.

In summary, as any vehicle trip movements would be spread throughout the day due to 'time slots' for arranged teaching classes and be significantly lower than a B1 re-use, it is therefore considered there is no foreseeable reason on transport impact grounds to prevent the change of use proposed.

Accordingly, the development would accord with policy 6.13 of The London Plan 2011 and saved policy T13 of the Harrow unitary Development Plan 2004

4) Accessibility

Policy 7.2.C The London Plan 2011 and policies D4 and C16 of the Harrow Unitary Development Plan 2004 require high quality design standards and development to be accessible to all persons. The Council's adopted the SPD: Access for All 2006

supplements these adopted development plan policies and provides detailed guidance on the standard of development required.

The previous application was refused in part due to the lack of inclusive access to the building, which is noted as currently having several steps to gain access. As mentioned previously an access lift has been proposed on the front elevation to allow inclusive access. Internally there is an existing lift which would provide inclusive access between the floors of the building. It is therefore considered that the proposal would overcome the previous reason for refusal and would provide an adequate level of inclusive access for all potential users. The application therefore accords with Policy 7.2 of The London Plan 2011, saved policies D4, C7, C16 and C17 of the HUDP (2004) and the adopted Supplementary Planning Document 'Access for All' (2006).

5) 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. Though the units would be accessed from the rear and outside of public surveillance areas, the rear of the site is overlooked by the other units on the site and is also secured by electronic gates, thereby discouraging crime and disorder. Accordingly, it is considered that the proposed development would not adversely affect crime or safety.

6) Consultation responses

None

CONCLUSION

The proposed change of use would not adversely impact on economic viability or the employment offer of the area given the particular circumstances of the application site. The proposed change of use and erection of access lift would have a negligible impact on the character and appearance of the area and subject to conditions, the development would not adversely impact upon the neighbouring amenities or highway safety and convenience

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 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 shall operate between the following times: -

A) 0800 hours to 22.00 hours, Monday to Friday,

B) 08.00 – 18.00 hours on Saturdays.

C) No use on Sundays or Bank Holidays.

REASON: To safeguard the character of the area, the amenities of neighbouring properties and ensure the proper functioning of the commercial uses within the subject building, in accordance with saved policy D4, EP25 of the Harrow Unitary Development Plan 2004.

3 Before the use hereby permitted commences, the applicant shall submit a revised ground floor plan and site layouts for approval by the LPA demonstrating;

a) The provision of fourteen secure cycle spaces

The approved plan shall be implemented before the commencement of the use and thereafter retained in that form.

REASON: To ensure the satisfactory provision of safe cycle storage points, to provide facilities for all potential users of the site and in the interests of highway safety, in accordance with policy 6.13.C/D of The London Plan 2011 and saved policies D4 and T13 of the Harrow Unitary Development Plan 2004.

4 The development hereby permitted shall be carried out in accordance with the following approved plans: SL 802, 269/01, 269/02, DHCOU_02, Marketing Evidence, Design & Access Statement. Site Plan.

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 proposed change of use would not adversely impact on economic viability or the employment offer of the area given the particular circumstances of the application site. The proposed change of use would have a negligible impact on the character and appearance of the area and subject to conditions, the development would not adversely impact upon the neighbouring amenities or 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, the saved policies of Harrow's Unitary Development Plan 2004 and the emerging Development Plan Document Development Management Policies, and to all relevant material considerations, and any comments received in response to publicity and consultation.

The following National Planning Policy, 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, are relevant to this decision:

National Planning Policy Framework 2012

The London Plan 2011: 6.13.C/D, 7.2, 7.4.B, 7.15.B.

The Harrow Core Strategy: CS1. L

Harrow Unitary Development Plan 2004: EP25, D4, T13 EM24.

Supplementary Planning Document: Accessible for All 2006

Development Management Policies 1, 40, 53, 57.

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 INFORMATIVE:

COMPLIANCE WITH PLANNING CONDITIONS

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

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

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

- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.

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

- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

4 INFORMATIVE:

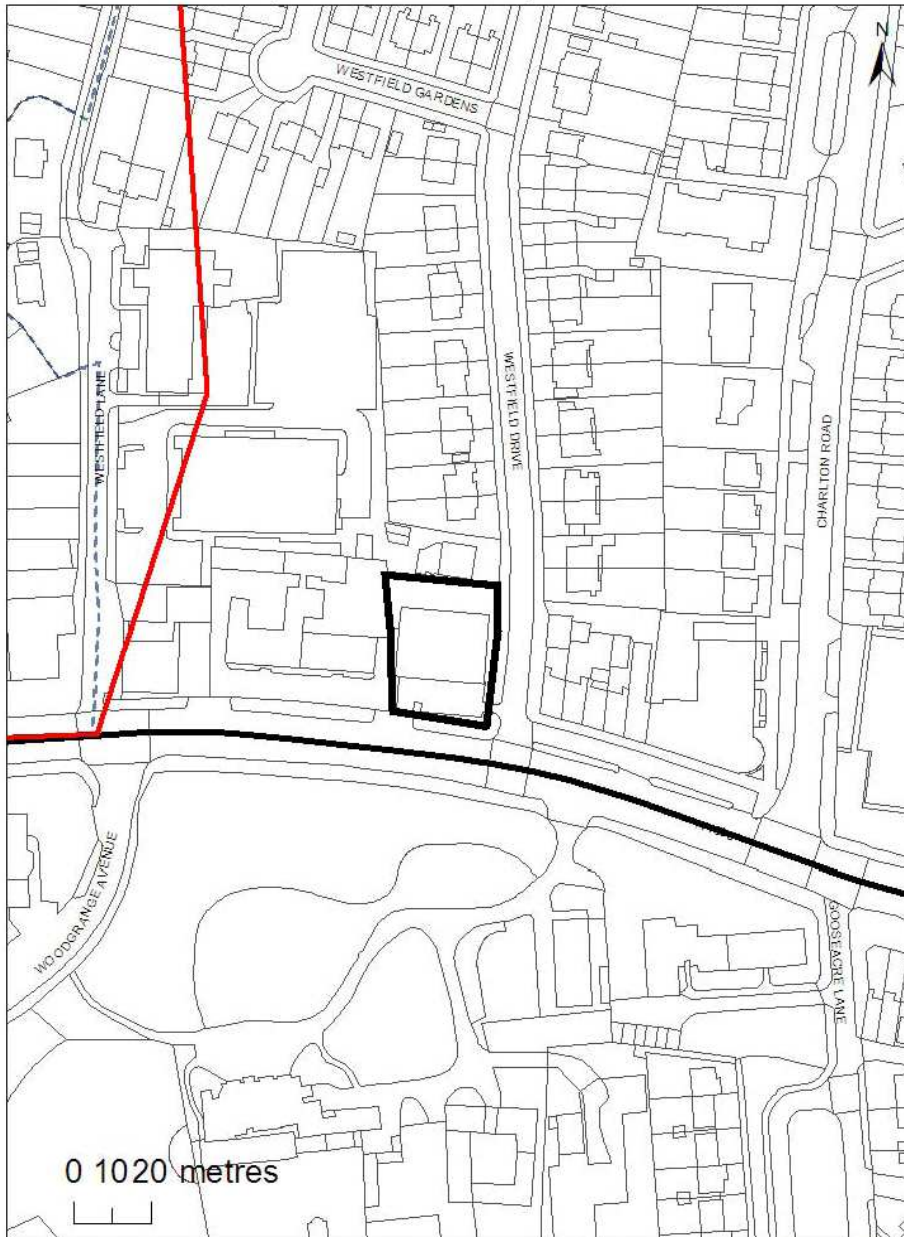
GRANT WITHOUT PRE-APPLICATION ADVICE

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

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

Plan Nos: SL 802, 269/01, 269/02, DHCOU_02, Marketing Evidence, Design & Access Statement. Site Plan.

DUNWOODY HOUSE, 396 KENTON ROAD, HARROW



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Item No. 2/05
Address: 62 IMPERIAL DRIVE, NORTH HARROW, HARROW,
Reference: P/2439/12
Description: CERTIFICATE OF LAWFUL EXISTING USE: CONTINUED USE OF A DWELLINGHOUSE AS 7 SELF-CONTAINED FLATS AND 1 NON SELF-CONTAINED FLAT.
Ward: HEADSTONE NORTH
Applicant: MRS BERTA LILLEY
Agent: APCAR SMITH PLANNING
Case Officer: GERARD LIVETT
Expiry Date: 2 NOVEMBER 2012

RECOMMENDATION

GRANT a Certificate of Lawful Existing Use for the development described in the application and submitted plans.

REASON

1. The Local Planning Authority is satisfied that sufficient evidence has been provided to demonstrate that, on the balance of probability, the dwellinghouse at 62 Imperial Drive, North Harrow, Harrow, HA2 7LJ has been in use as 7 no. self-contained flats and 1 no. non self-contained flat (as detailed on drawings, 'Ground Floor' (Sheet 1 of 3), 'First Floor' (Sheet 2 of 3) and 'Second Floor' (Sheet 3 of 3) received by the Local Planning Authority on 7 September 2012) for a continuous period of at least 4 years prior to the date of this application.
2. The existing use is therefore lawful and accordingly a Certificate of Lawful Existing Use should be granted.

INFORMATION:

This application is reported to Planning Committee as the proposal is potentially controversial and is of significant public interest. It is therefore excluded by proviso E of the Scheme of Delegation dated 14 March 2012.

The application was deferred from the Planning Committee meeting of 12 December to allow further consideration of the submitted evidence by members and officers, and to allow for the investigation of alternative evidence held by the Council.

The outcome of this consideration is that officers consider, on the balance of probabilities, the use of the property as described in the application and submitted plans has been established for a period of four years prior to the date of the application.

Statutory Return Type:	26 – Other
Council Interest:	None
Net Additional Floorspace:	None
GLA Community Infrastructure (CIL) Contribution:	None

Site Description

- The application site is occupied by a two-storey semi-detached dwellinghouse with an attached garage.
- The site is located on the west side of the traffic-light controlled junction of The Ridgeway and Imperial Drive.
- External alterations to the original dwellinghouse include the construction of an attached garage and the subsequent insertion of a window within what appears to be a 'garage door' and the insertion of three roof lights

Proposal Details

- A Certificate of Lawful Development (existing) is sought in respect of the use of a dwellinghouse as 7 self-contained flats and 1 non self-contained flat.

Revisions to previous application

- The only evidence submitted in support of the previous application for a Lawful Development Certificate (Existing Use) was the written correspondence of a Harrow Council Licensing Officer in respect of an application for a HMO License under The Housing Act 2004. This evidence has been re-submitted for this application but is also accompanied by significant additional evidence and this is set out in the main body of the report below.

Relevant History

P/3492/11

CERTIFICATE OF LAWFUL EXISTING USE: CONTINUED USE OF A DWELLINGHOUSE AS 7 SELF-CONTAINED FLATS AND 1 NON SELF-CONTAINED FLAT.

REFUSED: 18/06/2012

Reason for refusal:

1. The Local Planning Authority is not satisfied that sufficient evidence has been provided to demonstrate that, on the balance of probabilities, the single-family dwellinghouse at 62 Imperial Drive, North Harrow, Middlesex, HA2 7LJ has been in use as 7 self-contained flats and 1 non-self-contained flat for a continuous period of at least 4 years prior to the date of this application. The existing development is therefore considered to be unlawful and as such the Local Planning Authority refuse to issue a Certificate of Lawful Existing Development.

HAR/13154

ERECTION OF GARAGE

GRANTED: 17/07/1957

Pre-Application Discussion

- None

Applicant Submission Documents

- None

Consultations

Newspaper Advertisement: N/a

Site Notice: N/a

Neighbourhood Notifications:

Imperial Drive: No.s 58, 60, 64, 66 and 66a

Hawthorne Drive: No.s 1 and 3

The Ridgeway: No. 126

Sent: 8

Replies: 5 and 1 petition in objection to the application signed by 37 persons.

Expiry: 08/10/2012

Summary of Responses:

Letters of objection:

- Overuse of the property.
- Concerns over increase in traffic and parking congestion.
- It will set a precedent for future applications.
- It will have a negative impact on the value and desirability of surrounding properties.

Petition in objection:

- We the undersigned strongly object to the granting of a certificate of lawful existing use for the use of the dwellinghouse at 62 Imperial Drive as 7 self-contained flats and 1 non-self-contained flat.

The planning issues of the over-use of the property, concerns over increase in traffic and parking congestion and concern that it will set a precedent for future applications are not relevant to this application as it is an application for a Lawful Development Certificate (Existing Use) and is not an application for planning permission.

Notwithstanding this, some evidence has also been submitted by neighbouring residents which seeks to dispute that the dwellinghouse has been in use as 7no. self-contained flats and 1 non self-contained flat for at least 4 years prior to the date of the submission of the application. This evidence concerns the applicant having been seen walking her dog, and the recorded barking of that dog within the application premises. This evidence has been considered in detail and is referred to in the appraisal below.

APPRAISAL

MAIN CONSIDERATIONS

- 1. Whether sufficient evidence has been submitted with the application and whether that evidence is sufficiently precise and unambiguous to prove that, on the balance of probabilities, the alleged use has existed continuously for a period of at least four years prior to the date that the application was submitted so as to justify the grant of a certificate.**

This is the second application by the applicant for a certificate of lawful existing use following the refusal of the first application. However, a refusal to issue a Lawful

Development Certificate is not necessarily conclusive that something is not lawful: it may merely mean that, so far, insufficient evidence has been presented to satisfy the Local Planning Authority that the use, operation or activity is lawful. A refused applicant may therefore re-apply with any further evidence gathered.

In seeking to demonstrate that the use has existed continuously for a period of at least 4 years prior to the date the application was submitted, the applicant has submitted the following evidence:

Statutory Declaration of Usha Sarkar (formerly Malik)

Ms Sarkar refers to the fact that she has lived at 62 Imperial Drive since January 2007. She refers to the fact that since late 2007 there have been no shared facilities with all of the units being self-contained apart from Flat 6 which has the sole use of the separate first-floor bathroom and WC. She also refers to the fact that she has lived in two separate flats within the property since 2007.

Statutory Declaration of Hanna Marcholewska

Ms Marcholewska has lived at the property since February 2008, initially in Flat 8 within the loft space and then subsequently Flat 3 on the ground-floor. She refers to both being self-contained, there being a total of 8 flats and all except one being self-contained.

Statutory Declaration of Gezim Rrustermaj

Mr Rrustermaj refers to having undertaken building works at the property since 2005. His declaration refers to the fact that that in early 2007 there were 8 units at the property, two of which shared WC and bathroom facilities with the other 6 units being fully self-contained. He also refers to the fact that he undertook building works prior to 2007. This effectively created 8 studio flats of which 7 are self-contained with the eighth flat having sole use of the separate adjacent bathroom and WC. He also refers to subsequent maintenance works since 2007. Attached to his Statutory Declaration are quotes from June 2007 and July 2007 for the building works he refers to in his Declaration that effectively created the layout as it is today, his invoices for those building works in 2007 and various invoices for maintenance works since.

Mortgage Offer Documentation dated 23 May 2007

This documentation does not specify the number of units within the property. The mortgage offer does indicate that the mortgage was taken out on a property that was divided into separate letting units. The attached Mortgage Valuation Report refers, on the last page, to the property at that time comprising a mix of bedsits, studio and flat accommodation with two rooms sharing bathroom facilities, four studios and a 2xbedroom flat. This supports the description of the layout referred to by Mr Rrustermaj in his Statutory Declaration, prior to the building works he undertook in June 2007.

Correspondence with Harrow Council Licensing Officer in respect of an application for a HMO License under The Housing Act (2004)

- Letter in response to a recent enquiry regarding licensing of a house in multiple occupation from Mrs Abdul-Cader, Licensing Officer, Community Safety Services, Harrow Council addressed to Mrs Lilley at 62 Imperial Drive, North Harrow, Middlesex, HA2 7LJ, letter dated 9 October 2006.
- Covering letter from Mrs Lilley (now of 7 Stroud Gate, South Harrow, HA2 8JL) to Harrow Council in accompaniment to an application for a HMO licence for 62 Imperial Drive, North Harrow, Middlesex, HA2 7LJ, letter dated 8 March 2007
- Letter from Stephen Gallagher, Licensing Team, Community Safety Services, Harrow

Council in response to Mrs Lilley of 7 Stroud Gate, South Harrow, HA2 8JL with regard to Mrs Lilley's application for a HMO licence for 62 Imperial Drive, North Harrow, Middlesex, HA2 7LJ, letter dated 13 March 2007.

- Letter from Stephen Gallagher, Licensing Support Officer, Community Safety Services, Harrow Council acknowledging receipt of Mrs Lilley's application for a HMO licence for 62 Imperial Drive, North Harrow, Middlesex, HA2 7LJ, letter dated 17 April 2007 (Also includes a copy of the receipt from Harrow Council for the application fee of £613.36 signed and dated by Stephen Gallagher on 17 April 2007).
- Letter from Mrs Abdul-Cader, Licensing Officer, Environmental Health, Harrow Council addressed to Mrs Lilley of 7 Stroud Gate, South Harrow, HA2 8JL, letter dated 18 May 2007 setting out why the property does not require a HMO licence.

Hand Written Receipts

These are from the Landlord's receipt book from 2006/2008 and show holding deposits for flats. They demonstrate when individuals paid an initial deposit prior to moving into a property. Receipts dated 5 June 2006, 19 February 2007, 17 December 2007, 5 September 2008, 5 August 2008 and 5 July 2008.

Tenancy Agreements

A number of tenancy agreements are provided. These do not identify exactly which flats they relate to. The applicant acknowledges that those provided do not constitute a comprehensive set but states that they are the only ones that copies can be found of. They include:

12 November 2005 - 11 November 2006: **Ekambaram**

21 November 2005 - 20 November 2006: **Hines**

16 December 2005 - 15 December 2006: **Zadagan**

17 December 2005 - 16 June 2006: **Marescu**

19 December 2005 - 18 December 2006: **Palacios**

09 January 2006 - 08 January 2007: **Malik**

01 July 2006 - 30 June 2008: **Marescu**

12 November 2006 - 11 November 2008: **Stetskii**

01 December 2006 - 30 November 2008: **Ekambaram**

30 December 2006 - 30 December 2007: **Chundru & Merla**

09 January 2007 - 08 January 2009 (unsigned): **Malik**

01 March 2007 - 29 February 2008: **Janisch & Devonish**

1 April 2007 - 30 March 2008: **Piotr**

14 February 2008 - 13 February 2009: **Wachal & Stachowiak**

25 July 2008 - 24 July 2009: **Babatunde**

30 October 2008 - 30 April 2009: **Anderson**

01 February 2009 - 31 January 2010: **Jawed**

20 July 2009 - 19 July 2010: **Musa**

20 December 2009 - 19 December 2010: **Edjeren & Antunes**

29 December 2009 - 28 December 2010: **Gatina & Mehta**

1 May 2010 - 30 April 2011: **Perciaccante**

1 August 2010 - 31 March 2011: **Janulaitis**

01 November 2010 - 31 October 2011 (Two of this date in different names): **Gomez & Abdeldayem, Karpaviciute**

19 June 2011 - 18 December 2011 (Landlord cited as a Mr Rrustemaj of the same address): **Oae & Fonea**

1 September 2011 - 31 August 2012: **Malik & Malik**

1 October 2011 - 31 March 2012 (Five of this date in different names): **Czubala, Grant, Nemeth & Shpata, Oszezeda & Marcholevska, Altino**

1 April 2012 (Two of this date in different names): **Zamfir, Dee & Rodriguez**

Letting Agents Invoices/Correspondence

These include invoices dated 16 December 2005, 2no. from 30 December 2006 and 14no. from September 2007 from Ashton Fox Estate Agents in respect of new tenants. The names to which they refer tie in with the Tenancy Agreement.

Photocopies of advertisements placed in 'Loot' magazine from May to July 2008

Gas and Electricity Inspection Certificates

Gas Safety Certificates from March/April 2007 and January 2012 are provided and bills in connection with the same. Electricity Installation Reports from February 2007 and January 2008 are provided. Landlords are required to have an annual gas and electric appliance safety test carried out and so these certificates lend some weight to the applicant's case that the dwellinghouse had already been converted into flats by this time.

Evidence – Site Visit

In addition to the documentary evidence submitted with the application, a site visit was undertaken accompanied by the owner (and applicant) Mrs Berta Lilley at 11am on 25 May 2012. Mrs Lilley provided access to all the flats and it was clearly evident that all the front doors to each of the flats had proper, secure key-entry locks. While the front door to the main living/sleeping room in Flat 6 also had a proper key-entry lock, it is not fully self-contained. The door to the separate WC and separate bathroom for Flat 6 were capable of being locked from within as one would expect.

The Test

Circular 10/97 is relevant in the consideration of this application. Within Annex 8 of this circular, it is noted that "the burden of proof" in applications under Section 191 of the Town and Country Planning Act 1990 (as amended by Section 10 of the Planning and Compensation Act 1991), i.e. for Certificates of Lawful Existing Use or Development, is firmly with the applicant.

The relevant test is the 'balance of probabilities', and Local Planning Authorities are advised that if they have no evidence of their own to contradict or undermine the applicant's version of events, there is no good reason to refuse the application provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate".

The Assessment

The evidence submitted is considered to be substantial and comprehensive. The Statutory Declarations of Mr Rrustemaj, Miss Marcholevska and Mrs Sarkar (formerly Miss Malik) together with the copies of the tenancy agreements that have been provided are considered to be sufficient precise and unambiguous evidence to prove that, on the balance of probabilities, the property has been in continuous use as seven self-contained flats and 1 non self-contained flat for at least 4 years prior to the date of the submission of the application.

Evidence to the contrary has been submitted by some of the neighbouring residents. This evidence is of an anecdotal or circumstantial nature and relates primarily to ongoing complaints of noise nuisance arising from a dog kept at the property. Most of the dates of the complaints pre-date the earliest date from which the existing use needs to be proven,

i.e., 4 years prior to 7th September 2012 (7th September 2008). Notwithstanding this, there is no evidence which confirms who the responsible owner or keeper of this dog was and even if it was the applicant/landlord this can not be automatically assumed to mean that Mrs Lilley was living there. It is claimed that Mrs Lilley was observed walking her dog near the property for a while after September 2007 but even if this is the case it still pre-dates the beginning of the 4 year period (back-dated from the date of the submission of this application) during which the claimed existing use as flats needs to be proven and so does not prove anything to the contrary. Moreover, even if Mrs Lilley was still living at the property this in itself does not mean that the property was not yet in use as seven self-contained flats and 1 non self-contained flat as she may have occupied one of the flats herself for a while at the same time as letting out the others.

Additional Evidence Held by the Council

A Property Licence for the occupation of the property by 13 Persons in 8 Households was issued by the Council's Environmental Health Department on 5 March 2012. The Licence covers the period from 22 December 2011 to 21 December 2016.

This Licence relates to the occupation of the building by multiple households, and the definition of a House in Multiple Occupation in terms of the Housing Act (2004), and the requirements for licensing under that legislation are different from planning requirements.

Under the 2004 Housing Act, a House in Multiple Occupation may be defined as: "A converted building containing one or more units of accommodation that do not consist of entirely self-contained flats (there is no requirement that the occupiers share facilities) (s.254)", or: "A converted building consisting of entirely self-contained flats, where the building work undertaken in connection with the conversion did not comply with the 1991 Building Regulations and more than one third of the flats are occupied under short (less than 21 years) tenancies (s.257)".

These definitions are significantly different from the definition of a House in Multiple Occupation in planning terms, which is a property occupied by two or more households in which some basic amenities are shared. The definition of an HMO under s.257 of the Housing Act (2004) is specifically excluded under planning legislation.

Therefore, little weight can be given to this as evidence that the property is occupied as a House in Multiple Occupation (according to the planning definition) rather than as seven self-contained flats and one non-self-contained flat.

Council Tax

The property is currently valued as eight flats, each in Council Tax band A, and has been since 1 April 2012. Prior to that, the property was classified as a single unit for Council Tax purposes, in tax band F.

Although it would appear that the Council Tax records contradict the assertion that the property has been eight flats for more than four years, this is a matter for the Council's Revenues and Benefits Department and has no significant bearing on the assessment of the evidence supplied by the applicant.

It should be noted that the test, under Planning legislation, is that the use has been established on the balance of probability. The test does not require that all other requirements, including Building Regulations and correct payment of Council Tax need to be demonstrated.

Electoral Register

A minority of the tenants for whom Tenancy Agreements have been supplied have been registered on the Electoral Register. This matter is also covered by other legislation and is not a material consideration in this application.

In summary

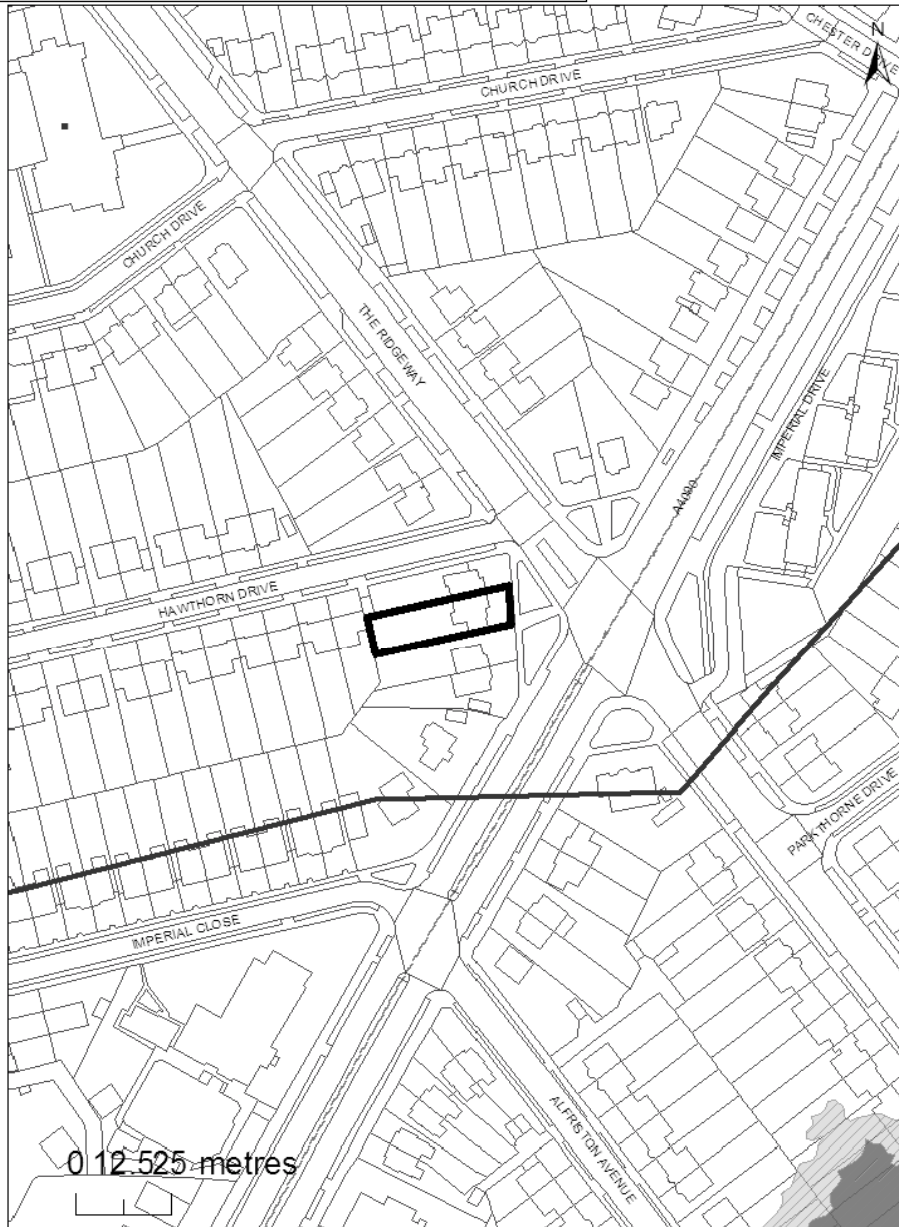
Bearing all of the evidence for and against in mind, it is considered that the applicant's evidence in support of the application, which is substantial and comprehensive, is sufficiently precise and unambiguous to accept that on the balance of probability the dwellinghouse at 62 Imperial Drive, North Harrow, Harrow, HA2 7LJ has been in use as 7 no. self-contained flats and 1 no. non self-contained flat.

CONCLUSION

As such and for all the reasons given above it is considered that sufficient evidence has been provided to demonstrate that, on the balance of probability, the dwellinghouse at 62 Imperial Drive, North Harrow, Harrow, HA2 7LJ has been in use as 7 no. self-contained flats and 1 no. non self-contained flat (as detailed on drawings, 'Ground Floor' (Sheet 1 of 3), 'First Floor' (Sheet 2 of 3) and 'Second Floor' (Sheet 3 of 3) received by the Local Planning Authority on 7 September 2012) for a continuous period of at least 4 years prior to the date of this application. The existing use is therefore considered to be lawful and a certificate of lawful existing use should therefore be granted.

Plan Nos: Existing floorplans titled '62 Imperial Drive Ground Floor Scale 1:50 Sheet 1 of 3'; Existing floorplans titled '62 Imperial Drive Ground Floor Scale 1:50 Sheet 2 of 3'; Existing floorplans titled '62 Imperial Drive Ground Floor Scale 1:50 Sheet 3 of 3' and Site Location Plan

62 IMPERIAL DRIVE, NORTH HARROW



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Item No. 2/06
Address: 271 NORTHOLT ROAD, HARROW
Reference: P/2721/12
Description: CHANGE OF USE OF GROUND FLOOR FROM SHOP (CLASS A1) TO DENTAL SURGERY (CLASS D1)
Ward: ROXETH
Applicant: B PATEL
Agent: LAMONT PLANNING ASSOCIATES
Case Officer: VICTOR UNUIGBE
Expiry Date: 24/12/2012

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 proposed change of use would provide a level of employment and a local community facility that would not compromise the economic vitality, footfall and vibrancy of the South Harrow District Centre, and which would also outweigh the harm caused by the loss of a Class A1 retail unit.

INFORMATION

The application is reported to the Planning Committee because the proposal represents a departure from the Development Plan and therefore falls outside proviso D of the scheme of delegation.

Statutory Return Type: E(20) Change of Use

Council Interest: None

Gross Floorspace: 106 sqm

Net additional Floorspace: 0 sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): Not applicable, as no additional floorspace will be created, and the property has not been vacant for six months within the last twelve months.

Site Description

- The application site is located on the eastern side of Northolt Road, and on the

northern corner of the junction between Northolt Road and Whitby Road.

- The site comprises a two-storey end-of-terraced property, which has a residential unit on the first floor. The vacant ground floor has lawful Class A1 (retail shop) and was last used as a health and beauty boutique. The application specifically relates to the ground floor.
- The property is located within a terraced parade (comprising 253-271 (odd) Northolt Road) that forms part of the primary shopping frontage in South Harrow District Centre. The adjacent terrace on the southern corner (comprising 273-295 Northolt Road) forms part of the secondary shopping frontage in the Centre.
- The property has been extended to the rear at single storey level, and contains a fire escape exit to the side elevation (fronting Whitby Road). There is a covered carport in the rear yard, whose rear boundary abuts a service road.
- Northolt Road is a London Distributor Road.

Proposal Details

Change of use of the ground floor from retail (Class A1) to a dental surgery (Class D1).

No external alterations are proposed as part of this application.

The proposed hours of use are 09:00 – 18:00 Mondays to Saturdays. There are no proposed hours of use for Sundays and Bank Holidays.

- The applicant is proposing to relocate an existing first floor dental surgery (Bridge Dental Practice) at 224A Northolt Road to the application property.

Revisions to Current Application

Revised plans were requested and subsequently received, which show the provision of a secure refuse and cycle storage area in the rear yard.

Revisions to Previous Application

- N/A

Relevant History

HAR/12558 – Internal alterations external staircase flat over shop

Granted – 28/12/1956

P/0260/09 – Single storey rear extension including new access at rear for first floor flat

Withdrawn – 30/03/2009

P/0916/09 – Single storey rear extension and new shop front

Granted – 14/07/2009

Pre-Application Discussion (Ref.)

- HA\2012\ENQ\00230

The applicant was advised by letter responses of 03/09/2012 and 21/09/2012 that the ground floor of the property has a lawful planning use within Class A1 use and its location within a primary shopping frontage means that the proposed change of use to a Class D1 dental surgery would conflict with policy EM16 of the Harrow Unitary Development Plan (2004), and represent a departure from the development plan.

Further advice was however given that the applicant may provide further information, which may constitute 'other material considerations', and which may outweigh the provisions of the development plan. A view was expressed that where it could be demonstrated that other material considerations may outweigh the provisions of the

development plan, the Council may support a planning application to that effect.

Applicant's Planning Statement

- The applicant's existing practice at 224A Northolt Road is located on the first floor of that property, and there are increasing difficulties for elderly disabled patients to access the surgery by means of the staircase. The relocation of the practice to the ground floor of the application property would overcome the problems of access.
- The provision of a dental surgery will be controlled by an appointments system and it will be a valued local community facility that would ensure the vitality of the town centre.
- The application property could help ensure the proposed dental surgery caters for over 8000 patients, and would provide a material increase in the level of dental services in the area. It would also generate an increase in local employment.
- The proposed surgery would be well located in respect of public transport and there would be a low level of servicing requirements, which means there would be no impact on highway safety and convenience.
- The existing shopfront would be retained, an ancillary retail concession would be operated to the front area of the ground floor and the existing access for the first floor residential flat would be maintained.

Consultations

Highways Authority: No response received

Policy & Research: No response received

Waste Management: No response received

Drainage Engineer: No response received

The South Harrow & Roxeth Residents Association: No response received.

Advertisement – Departure from the Development Plan

Site Notice Expiry: 12/11/2012

Notifications

Sent: 18

Replies: 1 petition containing 69 signatories and 1 petition containing 84 signatories in support of the application were received.

Expiry: 27/11/2012

Addresses Consulted

Northolt Road: 264, 264A, 266, 266A, 268, 268A, 269, 269A, 271, 273, 273A, 275, 275A, First and Second Floor Offices, Dawson House (276-278), 274-278,

Whitby Road: 4

Summary of Responses

- Both petitions support the application; relocation of the dental practice to the application property will allow accessibility to all, including people with disabilities, the elderly and mothers with young families who find it difficult to manage to climb the stairs.

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) (2012) 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 (HUDP) (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].

While this application has been principally considered against the saved policies in the (HUDP) (2004), some regard has also been had to relevant policies in the Development Management Policies DPD (Pre-submission Draft), which forms a part of the emerging Local Development Framework for the Borough and will eventually replace the (HUDP) (2004) when adopted.

The document has been subject to two rounds of consultation; between 13 May 2011 and 24 June 2011 on the Council's Preferred Options Development Management Policies, and between 27 July 2012 and 7 September 2012 on the Pre-submission Draft document. The DPD has now been sent to the Secretary of State for Examination in Public which is expected to be held in January 2013. Prior to this, a 4 week consultation was carried out between 11 October 2012 and 8 November 2012 on the Council's Proposed Minor Modifications to the DPD as a response to representations received as a result of the Pre-submission Consultation.

MAIN CONSIDERATIONS

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

1) Principle of the Development

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 National Planning Policy Framework [NPPF] sets out a strategy to provide for sustainable development and considers that ensuring the vitality of town centres is a key tenet in securing sustainable development. Town centres should be recognised as the heart of communities and policies should be pursued which ensure their viability and vitality, thereby ensuring competitiveness and customer choice.

Policy CS4 of the Harrow Core Strategy recognises that South Harrow District centre is one of the most vibrant district centres within the Borough and that it fulfils an important local function in terms of retail, transport and service provision. The policy therefore

advocates that the centre should be promoted as a focus for community life, providing residents with convenient access to a range of shops, services and cultural and leisure facilities.

Saved policy EM16 of the Harrow Unitary Development Plan 2004 seeks to ensure that South Harrow District Centre provides good shopping facilities whilst maintaining the balanced range of other uses essential to the vitality of centres. This policy sets out a criteria based approach for changes of use from shops to other uses in the primary shopping frontage, which reflect these objectives and states that the change of use to non-retail uses will normally be permitted provided that: a) the proposed use provides a service that is directly related to a shopping trip and supports the retail function of the centre; b) the length of primary frontage in non-retail use in the district centre does not exceed 25%; c) a harmful concentration of non-retail uses is not created or added to; d) the premises can be adequately serviced without harm to highway safety or convenience; and e) a window display or appropriate frontage is maintained. The policy gives further advice that non Class A uses will not normally be permitted in primary frontages.

The total primary shopping frontage in non-retail use in the South Harrow District centre is currently 27.94% (as of June 2012), which confirms that the length of primary frontage in non-retail use in the district centre has already exceeded 25%, and the proposal would further increase that figure to 28.17%. As such the proposal is contrary to the related criteria (b) specified by policy EM16.

However, the quantitative measure outlined in policy EM16 of the UDP needs to be considered in the light of the National Planning Policy Framework, which requires, at paragraphs 18-22, local authorities to plan for building a strong, competitive economy and, at paragraphs 23-27, to seek to ensure the vitality of town centres. There are relatively low levels of vacancy rates in the South Harrow District Centre, and even though policy EM16 gives advice that non Class A uses will not normally be permitted in primary shopping frontages, it is considered that this proposal accords with the other criteria (a, c, d and e) specified by policy EM16.

With regards to criteria (a), the application is presently vacant, and it is considered that the proposal would provide a local and community use that would support the retail function of the centre. The applicant has indicated that the existing practice at 224A Northolt Road currently has 3,800 registered patients with over 8,000 visits recorded in the past two years. The applicant has estimated that the relocation of the practice to the application property would result in a capacity for over 8,000 patients, aided by the location of the practice on an inclusive and well accessed ground floor. It is considered that the number of patients and associated visits could increase footfall to the centre, given that patients are likely to visit other neighbouring mixed use units such as retail shops and restaurants/cafes before or after visiting the dental surgery. They would therefore help in generating footfall and retaining associated economic activity that would result in improved economic vitality, vibrancy and viability of the primary frontage and centre. On a further related note, the applicant has indicated that the relocation of the dental practice to the application property would result in the employment of about fifteen employees, which is ten more than the five previously employed by the health and boutique retail use. It is considered that this increase in employment generated by the proposed dental surgery would likely result in an associated flow of traffic and effect on neighbouring retail and mixed commercial units in the centre with advantageous economic benefits. It is therefore considered that the proposed use would complement and support the core retail function of the district centre.

The applicant has made reference to the fact that the application property is at the very end of the primary shopping frontage, on the northern corner of the junction between Northolt Road and Whitby Road. The applicant further references the fact that the adjacent terrace on the southern corner is located within a secondary shopping frontage, where there is a more relaxed restriction on changes of use from Class A1 to other non Class A uses, as seen in the restriction of the length of non-retail uses in the secondary frontage to no more than 50% of the total (specified by saved policy EM17 of the HUDP). Given the proximity of the application property to the closest adjacent property at No.273, which is occupied by Greggs the baker (Class A1), it could be argued that if the proposal were to be located at the closest adjacent property (No.273), it would satisfy that criteria of policy Em17 and be considered acceptable on policy grounds.

With regards to criteria (c), it is considered that the proposed change of use would not result in a harmful concentration of non-retail or non Class A uses in the host parade or primary frontage. Within the host shopping parade, it is only the adjoining property at No.269 (Estate Agents) that is not in Class A1 retail use. It is instructive to note that there have been no objections to the application, and as stated above, two petitions with 153 signatures in support of the applicant have been received as a result of consultation for this application. It is also instructive to note that the applicant has identified that there are currently only three other dental practices in South Harrow (3 & 255B Eastcote Lane, and 415 Northolt Road), with the one at 255B Eastcote Lane having limited first floor location and access. The applicant has also indicated that the proposed surgery would have an ancillary retail concession in the front left area of the ground floor (adjacent to the reception), which would be fully accessed by patients and general public.

With regards to criteria (d) and (e), the proposal would result in the retention of the existing display window and shopfront, which is appropriate to the district centre. The surrounding area and the application site are well provided for in terms of servicing and public transport provision, and as will be discussed below, the proposal would not adversely affect highway safety or convenience. It is therefore considered that the proposed change of use would accord with criteria a, c, d and e of saved policy EM16 of the Harrow Unitary Development Plan 2004. The proposal would contribute to providing an appropriate mix of uses in the South Harrow District Centre, resulting in the provision of a healthy, dynamic, vibrant and competitive town centre that caters for local communities. A departure from the development plan, in light of these material considerations, can therefore be justified on this basis.

2) Character and Appearance of the Area

Saved policy D4 of the Harrow Unitary Development Plan 2004 (HUDP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. The saved policies of the UDP broadly reflect policies 7.4.B and 7.6.B of The London Plan 2011 and policy CS1.B of the Harrow Core Strategy 2012, which seek to ensure that development respects local character and enhances the public realm. The NPPF and policy 7.8.C/D/E of The London Plan 2011 set out similar aims.

The change of use of the property would not involve any significant external alterations, and the applicant has proposed to retain the existing display window and shopfront, which is considered appropriate to the district centre. It is also considered that the use profile of the proposed dental surgery would not differ significantly from that generated and linked to the previous Class A1 use, so there would be no adverse impact on the character of

the area. It is therefore considered that the proposed change of use would not result in any adverse effect on the character and appearance of the surrounding area, and would therefore accord with the NPPF, policy 7.4.B, of The London Plan 2011, policies CS1 and CS4 of The Harrow Core Strategy 2012, saved policy D4 of the Harrow Unitary Development Plan 2004 and policy 1 of the DM Policies: DPD (Pre-submission Draft).

3) Refuse Storage

The applicant has shown on revised drawing plans the provision of a secure refuse storage area in the covered rear yard. It is considered that the area of the rear yard is adequate to accommodate a refuse storage enclosure, and help ensure that no refuse or waste bins are stored at the frontage of the building or on the adjoining Whitby Road footpath/highway and service road abutting the rear boundary. The applicant has indicated that clinical waste generated would be collected and removed from the site by a private contractor. The applicant has also demonstrated the provision of two secure cycle storage spaces in the rear yard.

Given the rear location of the secure refuse and cycle storage area, it is therefore considered that there would be no clutter of related furniture at the frontage or side of the property, and no resulting adverse impact on the character and appearance of the surrounding area, thereby according with the National Planning Policy Framework, policy 7.4.B of The London Plan 2011, policies CS1 and CS4 of The Harrow Core Strategy 2012, saved policy D4 of the Harrow Unitary Development Plan 2004 and policy 1 of the DM Policies: DPD (Pre-submission Draft).

4) Residential Amenity

Policy EP25 of the Harrow Unitary Development Plan (2004) commits the Council to minimise noise and disturbance, through amongst other factors, controlling times of operation. This is particularly imperative given the impact the proposal may have on the living conditions of the occupiers of the first floor flats in the host and adjacent terraced parades. As the application site is located within the South Harrow District centre, a relatively high level of activity is expected when compared to the likely levels of activity generated in a primarily residential area.

The proposed hours of use of the dental surgery are considered acceptable. It is considered that the hour of closing (1800 hours) is an early evening hour when neighbouring residents would not normally be having their rest periods. It is also considered that the hour of closing is a reasonable social hour for patients and employees alike to disperse. Given that the NPPF gives advice that the hours people would normally have their periods of rest and sleep is between 2300 and 0700 hours, it is considered that the proposed hours are adequate to mitigate any impact of disturbance to a reasonable degree.

The service road abutting the rear boundary would allow for the collection of refuse from the enclosed storage area in the rear yard, without impacting on the refuse collection arrangements for the upper floor flat. It was noted during visits to the site that the other commercial units in the host parade are also serviced from the service road to the rear, in terms of refuse collection. The proposal would also ensure the maintenance of the existing access to the upper floor residential flat, thereby ensuring there is no loss of residential amenity.

Subject to the inclusion of a condition to this decision restricting the hours of operation to what the applicant has proposed, the proposed change of use would therefore accord

with policy 7.15.B of The London Plan 2011 and saved policy EP25 of the Harrow Unitary Development Plan (2004).

5) Traffic and Parking, Accessibility

It is considered that the proposed change of use is not likely to raise any specific traffic concerns. As discussed above, the proposed change of use would complement the existing shopping/commercial facilities in the district centre, and provide a service directly associated with footfall from shopping trips.

It is considered that the proposal would maintain little variance in current demands and activities in the district centre, thereby naturally discouraging any potential additional patronage to the area by private motor car. This factor coupled with the scale of the proposal and, as previously mentioned, the high public transport sustainability of the location with its proximity to South Harrow Underground Station and bus lanes/corridors on Northolt Road (which is a London Distributor Road) would ensure that the proposed change of use would not result in any adverse effects on either the traffic or parking provisions within the area. There is controlled public car parking on and adjacent to Northolt Road, so the application site is therefore able to be well serviced by foot and vehicular traffic from the district centre core shopping area. It is considered that the service access to the front and rear of the site is adequate for servicing requirements, and as the proposal would be contained within the site, it would not result in any obstruction of the services access, and as such, not have any undue impact on highway/pedestrian safety and convenience.

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

Given the above, the development would accord with policies 6.13 and 7.2C of The London Plan 2011 and saved policies C16 and T13 of the Harrow Unitary Development Plan 2004 and the Council's adopted SPD: Access for All 2006.

6) S17 Crime & Disorder Act

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

7) Consultation Responses

Support the application; relocation of the dental practice to the application property will allow accessibility to all, including people with disabilities, the elderly and mothers with young families who find it difficult to manage to climb the stairs.

These comments are noted and considered in the appraisal above.

CONCLUSION

The proposed change of use would provide a level of employment and a local community facility that would not compromise the economic vitality, footfall and vibrancy of the South Harrow District Centre, and which would also outweigh the harm caused by the loss of a Class A1 retail unit.

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; 271 North-01 Rev A; Proposed ground floor Plan Rev A; Planning Statement

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

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

a: 0900 hours to 1800 hours, Monday to Saturday inclusive,

b: At no time on Sundays and Bank Holidays,

without the prior written permission of the local planning authority.

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 saved policies EM16, D4 and EP25 of the Harrow Unitary Development Plan (2004).

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The proposed change of use would provide a level of employment and a local community facility that would not compromise the economic vitality, footfall and vibrancy of the South Harrow District Centre, and which would also outweigh the harm caused by the loss of a Class A1 retail unit.

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 following National Planning Policy, policies in the London Plan, the Harrow Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan (2004) are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011):

2.7 – Outer London: economy

2.15C – Town Centres

4.1 – Developing London's Economy

4.7B – Retail and Town Centre Development

4.8B – Supporting a Successful and Diverse Retail Sector

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 (B, E)

Core Policy CS4 (A, B)

Harrow Unitary Development Plan (2004):

D4 – The Standard of Design and Layout

D7 – Design in Retail Areas and Town Centres

EP25 – Noise

T6 – The Transport Impacts of Development Proposals

T15 – Servicing of New Developments

EM16 – Change of Use of Shops – Primary Shopping Frontages

EM24 – Town Centre Environment

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

Development Management Policies: Development Plan Document (Pre-submission Draft):
policy 1.

Supplementary Planning Document: Access for All (2006)

2 GRANT WITH PRE-APPLICATION ADVICE

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

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

Plan Nos: Site Plan; 271 North-01 Rev A; Proposed ground floor Plan Rev A; Planning Statement

271 NORTHOLT ROAD, HARROW



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Item Number 2/07
Address: GLASFRYN COURT, BRICKFIELDS, HARROW
Reference: P/2959/12
Description: 1.9M HIGH GATE FRONTING ROXETH HILL
Ward: HARROW ON THE HILL
Applicant: GLASFRYN COURT MANAGEMENT CO LTD
Agent: KENNETH W REED ASSOCIATES
Case Officer: SARAH MACAVOY
Expiry Date: 3 JANUARY 2013

RECOMMENDATION

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

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 and the saved policies of the Harrow Unitary Development Plan 2004 and the Harrow Core Strategy (2012) as well as to all relevant material considerations. The proposal would preserve the character and appearance of the Roxeth Hill Conservation Area. There would not be any unreasonable harm to the residential amenities of the occupiers of the neighbouring properties.

INFORMATION

The application is reported to the Planning Committee because this proposal has a significant level of public interest. It is therefore excluded by proviso E of the Scheme of Delegation dated 14 March 2012.

Statutory Return Type: Minor development

Council Interest: N/A

Gross Floorspace: N/A

Net additional Floorspace: N/A

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

Site Description

- Grasfryn Court is located adjacent to Roxeth Hill.
- Brickfields runs adjacent to the site. The part of Brickfields that runs adjacent to the site is not a mapped/adopted public right of way but currently provides pedestrian access between Roxeth Hill and Brickfields.

- The site is located in the Roxeth Hill Conservation Area.
- The property is within the setting of locally listed Glasfryn House.

Proposal Details

- Proposed 1.9m high, 1.19m wide pedestrian gate fronting Roxeth Hill.

Revisions to Previous Application

- N/A

Relevant History

- N/A

Pre-Application Discussion (Ref.)

- N/A

Applicant Submission Documents

- See Design and Access Statement

Consultations

Harrow Hill Trust – There is a public right of way which has existed for more than a century and a half. People have been threatened and verbally abused by a resident of Glasfryn Court. The police were informed of an incident. It looks like the proposed gate will be locked to physically prevent people using the right of way. The occupants of Glasfryn Court wish to close off a public right of way in order to prevent damage and crime. This will not be a deterrent as the site can be accessed at the other end. All that will happen will be that the neighbours are inconvenienced. If the gate is locked, the Council will be involved in continuing attempts to keep the public right of way open. This endless trouble can be prevented by refusing this application. The proposed gate will neither enhance nor improve the Conservation Area in any way whatsoever and should be refused on those grounds.

CAAC - No objections.

Advertisement

Advert – Character of a Conservation Area – Expiry - 13 December 2012

Site Notice – Character of a Conservation Area – Expiry – 24 December 2012

Notifications

Sent: 54

Replies: 15

Expiry: 18/12/2012

Summary of Responses

In Objection

- The proposed gate will block a public right of way
- Some residents of Glasfryn court have verbally abused local residents using this right of way
- The planning application has not been clearly notified. No site notices have been put up nor have the vast majority of residents been notified of the application.
- Why were the signs at Glasfryn Court stating “No Public Access” allowed? These

signs should be removed.

- This is not a gated development as should not be allowed.
- The gate would set a precedent and would be harmful to the character of the area and inconvenience residents and the public.
- Because of the application's controversial nature, it should be decided by the Planning Committee.
- This application should be refused or else the Council will soon have a problematic enforcement issue on its hands.
- If the application is approved, the gate should be conditioned so that it cannot be locked providing public access 24 hours a day.

In support

The gates will provide security and enhance the appearance of the estate. Similar gates are present in the Cottage close estate, directly opposite Glasfryn Court.

APPRAISAL

While this application has been principally considered against the saved policies in the Harrow Unitary Development Plan (2004) some regard has also been had to relevant policies in the Development Management Policies DPD (Pre-submission Draft) which forms a part of the emerging Local Development Framework for the Borough and will eventually replace the Harrow Unitary Development Plan (2004) when adopted.

The document has been subject to two rounds of consultation; between 13 May 2011 and 24 June 2011 on the Council's Preferred Options Development Management Policies, and between 27 July 2012 and 7 September 2012 on the Pre-submission Draft document. The DPD has now been sent to the Secretary of State for Examination in Public which is to be held in January 2013. Before this, a 4 week consultation took place between 11 October 2012 to 8 November 2012 on the Council's Proposed Minor Modifications to the DPD as a result of responses received to the Pre-submission Consultation.

MAIN CONSIDERATIONS

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

1) Principle of Development

It is noted that there have been a number of objections received during the course of this application in relation to the claim that the whole of Brickfields is a pedestrian right of way. Whilst proposals that could result in the closure of a public right of way is a material consideration, the assertion that this is a public right of way has been checked with the Council's Right of Way Officer who confirmed that the part of Brickfields adjacent to the location of the proposed gate is not an adopted/mapped public right of way. It is therefore considered that an objection in principle to a gate in this location could not be sustained.

2) Character and Appearance of the Conservation Area

The Harrow Core Strategy was adopted on 16 February 2012 and forms part of the Development Plan for Harrow.

The London Plan policies 7.4B, 7.6B and 7.8C/D set out the design principles that all boroughs should seek to ensure for all development proposals.

London Plan 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.

London Plan 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 appropriate proportion, composition, scale and orientation.

London Plan policy 7.8D states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Saved policy D4 of the Harrow Unitary Development Plan (2004) requires that new development should be of a high standard of design and layout. Saved policy D14 states that the Council will seek to preserve or enhance the character or appearance of Conservation Areas through various criteria including criterion D which requires the Council to prepare specific policies and proposals for each Conservation Area, within the framework of the development plan.

The proposed gate would not appear unduly obtrusive and would harmonise with the character and appearance of the existing vehicle gates on the site. The submitted plans show that the gates are to be constructed of galvanised steel and painted gloss black, which would reflect the materials used on the existing vehicular gates.

The Council's Conservation Officer has not objected to the application. It is considered that the proposal would preserve the character and appearance of the Roxeth Hill Conservation Area and setting of the locally listed Glasfryn House.

Therefore, it considered that the proposal would preserve the character of the conservation area, the character of the Glasfryn Court and the setting of locally listed Glasfryn House in accordance with the NPPF (2012), Harrow Core Strategy (2012) Core Policy CS1.B, policies 7.4B, 7.6B and 7.8 of the London Plan (2011), saved policies D4, D5, D12, D14 and D15 of the HUDP (2004) and the SPD: A Residential Design Guide (2010).

3) Residential Amenity

Criterion C of saved policy D5 of the HUDP (2004) seeks to “ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded.

It is considered that the proposed gate would not have a negative impact on the amenity of neighbouring properties and is therefore considered to be acceptable.

The proposal is therefore considered to be in accordance with London Plan policy 7.6B and saved Policy D5 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010) and would therefore have an acceptable impact on neighbouring amenity.

4) 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 applicant claims that the gate would improve the security of Glasfryn Court. It is considered that the proposed development may have a positive impact on crime or safety concerns.

5) Consultation Responses

- Material planning considerations addressed in the report above including character of the area, neighbouring amenity and crime and safety.
- The site is not subject to a public right of way. This is addressed in the “Principle of Development” paragraph above. As this site is not a right of way, a condition preventing it from being locked cannot be placed on any approval.
- Verbal abuse/threatening behaviour is a matter for the police, not for the Local Planning Authority.
- Site notices were put up on 3/12/12 and an advert was placed in the local paper. All immediately adjoining neighbours were notified in writing.
- The “No public access” signs are not part of this planning application and as such have not been considered.
- Due to the level of public interest in this application, it is to be determined by the planning committee.

CONCLUSION

It is considered that the proposal would preserve the character and appearance of the conservation area and the residential and visual amenities of the occupiers of the neighbouring residential dwellinghouses.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, this application is recommended for grant.

CONDITIONS

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1773 1; 1773 2; 1773 3; photos

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

INFORMATIVES

1 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 and the saved policies of the Harrow Unitary Development Plan 2004 and the Harrow Core Strategy (2012) as well as to all relevant material considerations. The proposal would preserve

the character and appearance of the conservation area and the character of the Glasfryn Court. There would not be any unreasonable harm to the residential amenities of the occupiers of the neighbouring properties.

The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011) : 7.4B, 7.6B, 7.8C

Harrow UDP (2004): D4, D5, D12, D14, D15

Harrow Core Strategy (2012) core policy CS1.B, CS1.D

Development Management Policies DPD (Pre-submission Draft) policies 1 and 7

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Harrow on the Hill Conservation Areas: Appendix G – Roxeth Hill Conservation Area Appraisal and Management Strategy (2008).

2 INFORM23_M

3 INFORM32_M

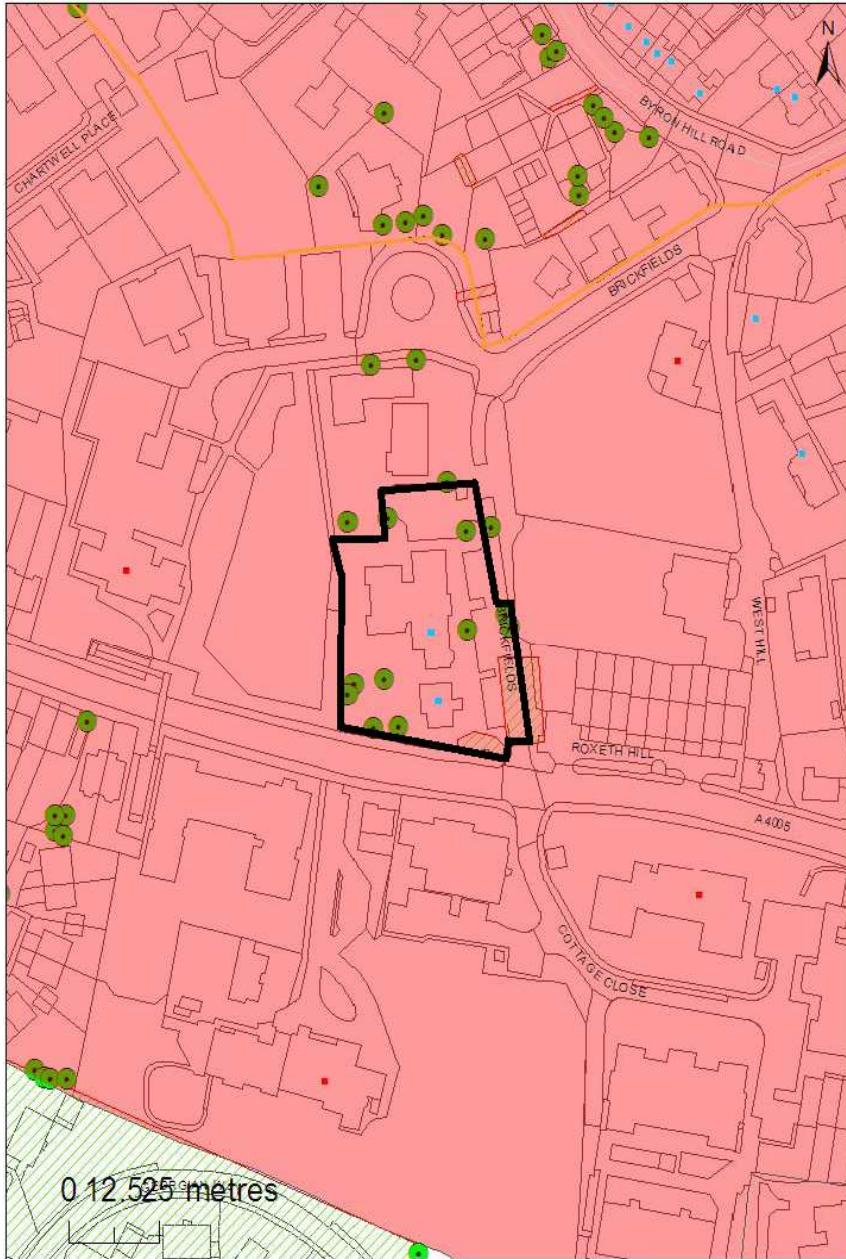
4 GRANT WITHOUT PRE-APPLICATION ADVICE

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

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

Plan Nos: 1773 1; 1773 2; 1773 3; photos

GLASFRYN COURT, BRICKFIELDS, HARROW



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SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

None.

SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.