

SECTION 1 – MAJOR APPLICATIONS

Item No. 1/01

Address: THE HIVE FOOTBALL CENTRE (FORMERLY PRINCE EDWARD PLAYING FIELDS), CAMROSE AVENUE, EDGWARE

Reference: P/2940/12

Description: VARIATION OF CONDITION 6 (LANDSCAPING), TO ALLOW LANDSCAPING DETAIL TO BE SUBMITTED TO THE COUNCIL AFTER DEVELOPMENT HAS COMMENCED ON SITE RATHER THAN PRIOR TO THE DEVELOPMENT COMMENCING, ATTACHED TO PLANNING PERMISSION P/0002/07/CFU DATED 08/04/2008 FOR REDEVELOPMENT FOR ENLARGED FOOTBALL STADIUM AND CLUBHOUSE, FLOODLIGHTS, GAMES PITCHES, BANQUETING FACILITIES, HEALTH AND FITNESS FACILITY, INTERNAL ROADS AND PARKING

Ward: QUEENSBURY

Applicant: Mr Anthony Kleanthous

Agent: AND Architects

Case Officer: Nicholas Ray

Expiry Date: 20-FEB-13

RECOMMENDATION

GRANT permission for the variation of condition 6 described in the application, subject to conditions.

REASON

The proposed variation of condition 6 would enable a resolution to the outstanding matter of the landscaping of the site. Subject to the condition recommended, the proposed landscaping would be acceptable and would result in an enhancement to the appearance of the development and an improvement to the amenities of neighbouring occupiers. The proposal is therefore considered to comply with saved policies D4 and D9 of the Harrow Unitary Development Plan (2004) in terms of providing a landscaped setting to the sports field.

INFORMATION

This application is reported to Planning Committee as it proposes a variation to conditions on a development that, in the opinion of the Director of Planning, raises potentially substantial amenity issues and therefore falls outside Category 7 of the Scheme of Delegation.

Summary

Statutory Return Type: (E) Largescale Major Development

Council Interest: The Council is Freeholder

Site Description

- Site comprises former educational sports grounds designated as open space within the UDP/Core Strategy, now occupied by a football stadium with ancillary facilities, open air grass and synthetic football pitches.
- The site has been developed in accordance with permission granted in 2007, to expand the stadium and improve the playing fields provided on the site.
- Site is bound by Jubilee Line railway to the west, residential properties fronting Whitchurch Lane to the north and Camrose Avenue to the south. To the east the site adjoins residential properties along Buckingham Gardens, St Davids Drive and Little Stanmore Nursery, First and Middle School.
- The section of railway that adjoins the western site boundary is identified as a site of nature conservation importance. There have been significant and substantial recent engineering/repair works to the railway embankment.
- The original site level falls from the north to the Edgware Brook, which crosses the site, and then rises again to Camrose Avenue.
- The site is designated as a proposal site within the UDP/Core Strategy as providing important opportunities for community access to high quality facilities and local sports participation. The 2007 permission on the site is consistent with this designation.
- The main access to the site is from Camrose Avenue, with secondary access (pedestrian only) from Whitchurch Lane.

Proposal Details

- Planning permission was granted on the 8th April 2008, for redevelopment for enlarged football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking, subject to a number of conditions, including condition 6 relating to a landscaping scheme.
- The condition required a landscaping scheme to be submitted and approved prior to commencement of the development. A landscaping scheme has not been submitted pursuant to this condition.
- This application proposes to vary condition 6 to enable landscaping details to be considered after commencement of development. The application is accompanied by a landscaping plan.

Relevant History

P/0002/07

Redevelopment for enlarged football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking

Granted : 08-APR-08

Pre-Application Discussion

- N/A.

Applicant Statements

- None.

Consultations:**Site Notice:** 04-DEC-12

Expiry: 25-DEC-12

Advertisement (Harrow Obs): 06-DEC-12

Expiry: 27-DEC-12

Notifications:

Sent: 145

Replies: 1

Expiry: 21-DEC-12

Addresses Consulted:

- 28-34 (even) St Davids's Drive;
- 35-43 (odd) St David's Drive;
- Little Stanmore School, St David's Drive;
- 212-322 (even) Camrose Avenue;
- 224-258 (even) Whitchurch Lane;
- 8-12 (conc) Torbridge Close;
- 72, 74, 85 and 87 Bransgrove Road;
- 19- 32 (conc) Buckingham Gardens;
- 38-54 (even) St Bride's Avenue.

Summary of Response:

- A fully detailed landscaping scheme has be agreed before stadium works start.
- Objection to allowing Barnet FC to play first team matches, inadequate parking for this use.

APPRAISAL**1) Open Space and Sports Facilities**

The open air recreational use on the site is appropriate to this designated area of open space and saved UDP policy EP47 supports the principle of recreational use in such areas. Policy CS9 of the Core Strategy supports the expansion of facilities at this strategically important site for sport. The proposed variation of condition would allow for approval of a boundary landscaping scheme in connection with the use of the site for outdoor sport and, given the policy support for the promotion of sports facilities, this is supported in principle, subject to consideration of the detailed landscape proposals, as undertaken below.

2) Landscaping

Condition 6 relates to the provision of a landscaping scheme for the whole site, but it is noted that the most sensitive parts of the site are the north and south boundaries, where the sports pitches lie adjacent to residential properties. Landscape drawings have been submitted indicating that English hedgerows would be planted along the site boundaries and that the earth bunds and peripheral areas would be laid to grass. Two oak trees would also be planted close to the pedestrian site access with Whitchurch Lane.

The indicative landscaping scheme, has been the subject of engagement between the applicant and the local residents association over the past 12 months. The principle of

this planting is considered acceptable to address the need for more appropriate boundary treatment, recognising the fundamentally open, sporting pursuits on the main site. The submitted drawings do not however include adequate detail in terms of plant species, numbers or densities. Whilst the principle of an English hedge is acceptable, it is therefore considered necessary to impose an operational condition detailing the acceptable plant species and details of planting. Given the outstanding nature of these works, the condition also provides that the hedgerows are planted in the first planting season following this approval (or following the completion of the Tube Lines works to the Jubilee Line embankment, whichever is the sooner).

Subject to the condition recommended, it is considered that the landscaping proposals are acceptable and satisfactorily address the aims of saved UDP policies D4 and D9 in terms of providing a landscaped setting to the sports fields.

3) Residential Amenity

The proposed landscaping would not unduly impact on neighbouring amenity. The proposed English hedgerows along the northern and southern site boundaries would in fact provide additional screening for neighbouring occupiers and this would therefore result in an enhancement in terms of neighbours living conditions.

4) S17 Crime & Disorder Act

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

5) Consultation Responses

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

Objection to allowing Barnet FC to play first team matches, inadequate parking for this use: This was not a planning decision, as the original planning permission did not restrict playing of first team matches, rather this was a restriction on the lease of the site, which was subsequently lifted by the Council.

CONCLUSION

The proposed variation of condition 6 would enable the resolution of this outstanding matter in the re-development of the site, in line with the adopted Local Plan. Subject to the condition recommended, the proposed landscaping would be acceptable and would result in an enhancement to the appearance of the development and an improvement to the amenities of neighbouring occupiers. The proposal is therefore considered to comply with relevant policy.

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 Except where varied by the conditions of this permission, the development hereby permitted shall be carried out in accordance with the following approved plans: 296 AL(0)160 Rev C; 161 Rev C

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

3 The Traditional English Hedgerow as shown on the approved drawings shall be planted as a basic thorn of various species endemic to the UK (Hawthorn/Blackthorn) interspersed every 5 metres with Holly (both variegated and plain) and Dog Rose, preferably intensively planted as whips. The planting shall be implemented in the first planting season following this approval, or the first planting season following the completion of the works to the Jubilee Line embankment, whichever is the sooner.

REASON: To ensure an appropriate form of landscaping, to improve the appearance of the site and enhance the appearance of the development, in line with the requirements of saved UDP policies D4 and D9.

4 The permission hereby granted is supplemental to planning permission ref: P/0002/07 granted by the Council on the 8th April 2008. Save as modified by this permission the terms and conditions of the original permission are hereby ratified and remain in full force and effect, including in relation to future phases of the development where applicable, unless as otherwise agreed in writing by the Council.

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

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011 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 proposed variation of condition 6 would enable a resolution to the outstanding matter of the landscaping of the site. Subject to the condition recommended, the proposed landscaping would be acceptable and would result in an enhancement to the appearance of the development and an improvement to the amenities of neighbouring occupiers.

The following policies are relevant to this decision:

National Planning Policy:

National Planning Policy Framework 2012 (NPPF)

The London Plan 2011: 3.19

London Borough of Harrow Core Strategy 2012: CS1, CS9

Draft Development Management Policies DPD 2012: 25, 30

London Borough of Harrow Unitary Development Plan 2004: D4, D9, EP25, EP47, R4, R5

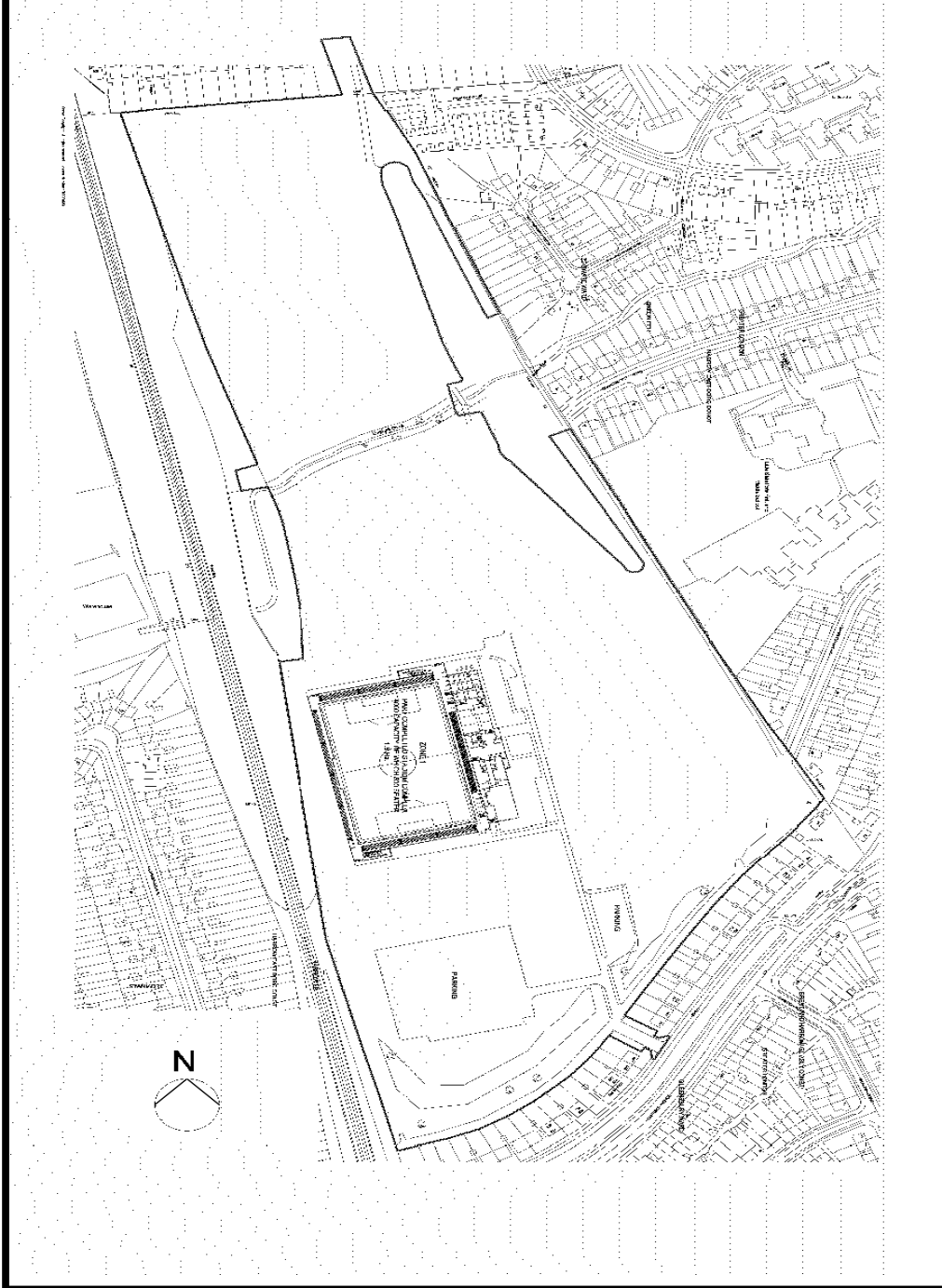
2 DUTY TO BE POSITIVE AND PROACTIVE

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

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

Plan Nos: 296 AL(0)160 Rev C; 161 Rev C

THE HIVE FOOTBALL CENTRE (FORMERLY PRINCE EDWARD PLAYING FIELDS), CAMROSE AVENUE, EDGWARE



Item No. 1/02

Address: MARLBOROUGH PRIMARY SCHOOL, MARLBOROUGH HILL, HARROW

Reference: P/2493/12

Description: DEMOLITION OF EXISTING SCHOOL BUILDINGS AND RE-DEVELOPMENT OF ENTIRE SCHOOL SITE OVER A SERIES OF CONSTRUCTION PHASES TO PROVIDE A TWO AND THREE STOREY BUILDING; ASSOCIATED LANDSCAPING TO INCLUDE HARD AND SOFT PLAY AREAS; NEW BOUNDARY TREATMENT; ALTERATION TO CAR PARKING LAYOUT AND PROVISION OF CYCLE STORAGE; NEW VEHICLE ACCESS FROM MARLBOROUGH HILL AND BADMINTON CLOSE (TO EXPAND EXISTING 2 FORM ENTRY PRIMARY SCHOOL TO PROVIDE 3 FORM ENTRY PRIMARY SCHOOL).

Ward: MARLBOROUGH

Applicant: HARROW COUNCIL

Agent: LOM

Case Officer: NICOLA RANKIN

Expiry Date: 13TH MARCH 2013

RECOMMENDATION

Under Regulation 3 of the Town and Country Planning General Regulations 1992, **GRANT** planning permission for the development described in the application and submitted plans subject to conditions:

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

REASON

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. The proposed school will provide important social infrastructure, to enhance educational facilities and help meet the growing population and forecast demand for primary school places in accordance with Harrow Core Strategy Policy CS1 and the NPPF.

The proposal is considered to be of good sustainable design which makes a positive contribution to the character and appearance of the area whilst respecting the

environment. Subject to conditions, it is considered that the proposed new building and increased capacity of the school would not have a significantly harmful impact on the amenities of any neighbouring occupiers. The proposal is considered not to result in unacceptable pressure on local roads and will not be to the detriment of highway safety. The proposed school is accessible to all and will provide a safe and secure environment for users. In light of the above it is recommended that the application is approved subject to conditions.

INFORMATION

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

Legal Comments

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

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

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

Statutory Return Type: Major Development

Council Interest: The Council is the landowner.

Gross Floorspace: 3273sqm

Net additional Floorspace: 1137sqm

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

Site Description

- Marlborough Primary School is located in a predominantly residential area of three and two storey properties on the junction of Marlborough Hill and Badminton Close on a sloping site.
- The school was originally constructed in the late 1960s and is a mix of single and two storey blocks represented as one single building.
- The school site is an irregular shape and is located within a block ringed by properties fronting Ranmoor Gardens to the south west and Walton Drive to the north west.
- To the east of the site is Badminton Close, a cul de sac with two storey terraced dwellings.
- The properties opposite the site are comprised of two storey semi detached dwellings

and a three storey block of flats.

- The land slopes downwards across the application site from the south east to the north west. There is a 3 metre fall across the site from Marlborough Hill.
- The existing school playgrounds are located to the rear eastern and western sides of the site.
- The site has its main vehicle and pedestrian access point via Marlborough Hill.

Proposal Details

- The proposal is for the re-development of the entire school site over a series of construction phases to provide a two and three storey building, associated landscaping to include hard and soft play areas and alteration to the existing parking layout.
- The proposal would result in the expansion of the existing primary school from a two form entry primary school (420 pupils) to a three form entry primary school (630 pupils). The proposed increase in the number of pupils would be incremental and would achieve the full increase in capacity by 2018.
- The building on the south western side of the site would be comprised of a two storey teaching block and would accommodate 6 classrooms at ground floor level and six classrooms at first floor level.
- The south western two storey teaching block would have a flat roof to a height of 8.3 metres and a maximum width of 27.4 metres.
- The two storey teaching block on the south western side of the site would be linked to the main hall block by a two storey timber clad linking element with a gradual sloping roof that would have a maximum height of 8 metres. This two storey linking section would provide toilets, reception, administration, office areas and a multi use area at ground floor level and a staff room, toilets and storage rooms at first floor level.
- The main hall block would project forward of the rest of the building fronting Marlborough Hill and would have an angled orientation so that the north eastern flank wall would run parallel to the north eastern boundary of the site along Badminton Close at a distance of 3.2 metres.
- The main hall block would have a width of 11.4 metres and a depth of 25 metres. The hall would have a flat roof to a height of 8.3 metres. The hall block would also incorporate a flexible learning space at first floor level.
- A further two storey timber clad and brick linking element would link the hall block to the proposed three storey teaching block. This element would provide a kitchen area at ground floor level and a library at first floor level.
- The proposed three storey classroom block would have a width of 32 metres and a flat roof with a height of 11.9 metres. It would be angled away from the two storey hall block and would be sited between approximately 6 metres and 18.5 metres from the north eastern boundary of the site along Badminton Close.
- The proposed three storey teaching block would provide 6 classrooms at ground and first floor level and 4 classrooms at second floor level.
- The main building blocks would either be finished in a light coloured render (classrooms) or brick (hall) whilst the circulation and ancillary elements would be finished with untreated vertical timber cladding. Both the main building blocks and the links would be seated on a dark brick plinth.
- A Multi Use Games Area (MUGA) is proposed to the rear of the school buildings adjacent to the north western boundary of the site. Additional soft play space is proposed around the MUGA.
- A new car parking areas would be provided on the south western side of the site and would provide 17 No. spaces. An additional disabled space would be provided at the

front of the site.

- A vehicle crossover to be used as a vehicle egress point would be added to the car park towards the south western side of the site, accessed from Marlborough Hill. The existing vehicle access point from Marlborough Hill would be retained. The main pedestrian access from Marlborough Hill would be retained and enhanced through provision of a small public plaza.
- A new vehicle access would be provided from Badminton Close which is proposed to be used for emergency vehicle access only.
- The public plaza area and vehicle access would be left open at the front of the site and a new 2.1 metre metal fence would be installed around the front of the building and around the front of the car park adjacent to Marlborough Hill.
- The north western side and rear boundaries of the site would be enclosed by a 2.1 metre high timber close boarded fence while the north eastern boundary adjacent to Badminton Close would be enclosed with a 2.1 metre high metal fence and timber close boarded fence.
- It is proposed to retain much of the existing soft landscaping surrounding the boundaries of the site as well as provision of additional soft landscaping to create a natural landscape buffer around the school site.
- 18 cycle spaces would be provided close to the main entrance in front of the main hall block, while a further 14 spaces would be provided in the north western corner of the site.
- A refuse storage enclosure would be provided in the car park adjacent to the south western boundary of the site.
- The building would be constructed to BREAAAM 'very good' standard.

Relevant History

LBH/616 New primary junior mixed infant school

Granted 01-Jul-1966

LBH/616/1 Erection of an additional classroom

Granted 19-Mar-1968

LBH/616/2 Erection of single storey extension to provide 3 new classrooms

Granted 24-Sep-1968

EAST/630/93/FUL Alterations and single storey extensions

Granted 7-Mar-1974

P/1784/05/CLA Single storey extension to hall, provision of new doors to classroom building

Granted 9-Sep-2005

P/0274/07 Construction of new single storey reception, single storey extension to toilets & two storey teaching block

Granted 19-Apr-2007

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

Granted 29-Apr-2010

Pre-Application Discussion (Summary)

- Generally, the setting of the buildings away from the residential properties and towards the road frontages would be positively received as it would create a buffer between the taller buildings within the school and the neighbouring dwellings. Care should however be taken to ensure that any new buildings (particularly with regard to their scale, setting, materials and designs) were sympathetic to the residential character of the area.
- The overall concept of the building seems appropriate and it is important that the material and detailed treatment reinforces this concept rather than accidentally muddying it.
- To this end, officers feel that classrooms blocks should be articulated in a refined and simple way, with simple geometry, clean detailing and well judged proportions. The hall block presents a number of challenges and this block should be articulated in a calm and refined manner using high quality materials than reinforce the simplicity of its form rather than complicate it. A singular surface treatment for the public realm is supported.
- Officers would note that saved Policy C7 of the UDP and in particular supporting paragraph 9.29 suggests that new development must not be detrimental to the environmental quality of the locality or amenities of residents. The paragraph also notes that there will be a limit to school expansion (where it causes unacceptable harm). In this respect it would be critical for the application to demonstrate that any adverse effects arising from the additional users of the school would be mitigated or avoided.
- Applications of this type generally propose the submission of a travel plan to decrease the use of private vehicles in support of their intentions.
- Although the use of the MUGA would be encouraged for community access, consideration would need to be had to the hours of use and need for floodlighting so as not to result in detrimental impacts on the residential amenities of the surrounding neighbouring occupiers.

Applicant Submission Documents

∇ Design and Access Statement (Summary)

- The proposal is to completely rebuild the school over a series of construction phases. The rebuilding of Marlborough requires that the school remains full operational throughout the building works and, as a consequence, phasing has been a key driver. The constructions sequence and phasing relies upon effective decant of pupils from existing to new buildings through the duration of the works.
- The new build school is proposed to be a 2 and 3 storey structure which optimises the efficiency of the build and impact on external space. An overall gross internal area (GIA) of 3237sqm is proposed.
- The overall school site is extremely small at just over 6,420sqm and in order to expand the school, whilst maintaining the government guidance on room sizes and play space, necessitates the need for a two and three storey build.
- The school travel plan is reviewed annually and each annual review will take into account the increased numbers of pupils and staff as the school expands incrementally to achieve its full increased numbers in 2018. The catchments area for the children being admitted to the school is very local. The school's intention as it

expands is to support safe and sustainable travel to and from school by means, other than car.

- There is very little space to provide further car parking site. Consequently the proposals are to provide 17 car parking spaces with 1 accessible space in the vicinity of the entrance.
 - The site is constrained and the building has been condensed over multiple floors to intensify the built area, thus allowing for enhanced external play areas. The taller three storey block has been located on the lowest part of the site.
 - The building is subject to achieving a BREAAAM 'Very Good' rating and the school is being designed with sustainability as a key driver with the aim to minimise running costs and energy use.
- ∨ Travel Plan, school opening times and lettings policy
 - ∨ Frameworks Contractors Statement
 - ∨ Arboricultural report
 - ∨ Acoustic Report
 - ∨ Ecological Report
 - ∨ BB99 Assessment
 - ∨ Daylight/sunlight report
 - ∨ BREAAAM pre- assessment

Consultations:

Highways Authority: There is no specific concern or objection to the expansion proposal. Parking near to the school is controlled by the existing controlled parking zone (CPZ) which operates Mon to Fri 10 am –11 am hence it is unlikely that the expansion would generate any long term parking issues on-street. The additional uplift of internal parking provision from 12-17 spaces is considered acceptable in placement and will assist in reducing the likelihood of on-street displacement. The proposed alteration to the site access is acceptable in principle and does not raise any safety or operational concerns. The 32 space cycle parking provision is welcomed and conforms to London Plan 2011 standards. A full construction management strategy (CMS) should be secured by way of condition given the site and locality constraints with the requirement for the school to maintain operations.

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

Drainage Engineer: Conditions are recommended in respect of disposal of surface water and sewage as well as surface water attenuation works.

Design for London: Further details should be provided in respect of the timber cladding and brick stock to ensure a high quality finish and provide a degree of visual interest.

Sports England: Responded and stated that they did not wish to comment on this particular application.

Landscape Architect: The landscape and planting strategy proposals and outline hard and soft landscape specification are thorough. My main concern would be the construction of the proposed retaining wall to enable the construction of the car park in the south west corner of the site. Care should be taken with the existing trees to remove as little of the roots as possible. The site is extremely tight and therefore with the

proposed footprint of the building there appear to be no options to relocate / move the car park away from the existing trees. The proposed pond is unlikely to be successful in this tight and shaded (by the existing trees) location. Leaf litter would also collect in the pond. The footpath approach to the pond is also rather restricted and narrow, adjacent to the added potential danger to the children of the car park and associated vehicle movement. In this location, the alternative proposal of a natural sculpture display area would be more suitable. Hard and soft landscaping conditions are recommended in respect of landscaping details, levels, boundary treatment, as well as a landscape management and maintenance schedule.

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

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

Crime Prevention Design Adviser: Comments to follow.

Advertisement

Press advert: Major Development Expiry: 10.01.13

Site Notices: Major Development Expiry: 26.01.13

Notifications

First Consultation:

Sent: 308

Replies: 1

Expiry:16.01.2013

Second Consultation:

Sent: 308

Replies: 1

Expiry:12.02.2013

Addresses Consulted

- 42 to 146 (even) Marlborough Hill
- 21 to 165, (odd) Marlborough Hill
- Civic Lodge Hotel, 78 Marlborough Hill
- Garages rear of Marlborough Court, Marlborough Hill
- Marlborough Court, Marlborough Hill
- Wiseworks Day Centre, Marlborough Hill
- 42 to 46 (even) Rusland Park Road
- 33 to 39 (odd) Rusland Park Road
- 44 to 64, Queen Walk
- 74, 76 Walton Road
- 2 to 44 Walton Drive
- Rusland Heights, Rusland Park Road

- 1, 2, 3, 5, 4, 6, 7, 8, 9, 10, 11, 12 Badminton Close
- 1 to 43 (odd) Ranmoor Gardens
- 2 to 36 (even) Ranmoor Gardens
- Garages rear of 28 Ranmoor Gardens
- 40 to 46 (even) Ranmoor Close
- 41, 45, 47 (odd) Ranmoor Close
- Garages adjacent to 40 and 46 Ranmoor Close

Summary of Responses

- The proposed vehicle access in Badminton Close would have an adverse impact on the residential amenity of the occupiers of Badminton Close as a result of parents bring and collecting their children.
- Refuse collection vehicles would not be able to access Badminton Close due to an increase in the number of vehicles and will therefore not collect the refuse from these properties.
- Badminton Close is for single-lane traffic only and construction vehicles should not use this to gain access to the site.

BACKGROUND

The Harrow School Expansion Programme

The local authority has a statutory responsibility to provide sufficient school places for its area. In recent years, Harrow has been experiencing increased demand for school places in the primary school sector, and this is projected to continue for the next six years. This increased demand will progress through to the secondary sector in due course and will also impact on provision for special educational needs.

Harrow's primary school population (Reception to Year 6) was 17,859 in 2012 (January 2012 pupil census) and is projected to increase to 18,604 in January 2013 and to 21,472 in 2016-17. Overall this represents a 20.2% growth in primary pupil numbers. This growth is not consistent across all year groups, and the pressure is particularly acute for Reception places because the increased demand is primarily birth rate driven. The latest school roll projections prepared by the Greater London Authority for Harrow predicts that Reception numbers will continue to increase until 2018/19, following which the high level of demand will continue with a slight and gradual reduction.

Harrow has been opening bulge or temporary additional classes since September 2009 to manage the increase in pupil numbers. Although this approach has managed pupil growth thus far, it is not sustainable in the context of the pupil projections. In July 2011, Cabinet agreed a school expansion programme as part of the School Place Planning Strategy. The strategy aims to secure sufficient and sustainable primary school places through the creation of additional permanent places, supplemented by planned temporary classes and contingency temporary classes, opened if required

A representative group of primary school headteachers assisted officers to develop a set of guiding principles to identify schools for potential expansion. The principles covered a range of factors including school site and building capacity, quality of education, popularity and location. These were then applied to schools to indicate which schools would be most suitable to consider for expansion.

Consultations about the proposal to expand primary schools in Harrow have been held

since October 2011 and culminated in Cabinet deciding in June 2012 that nine schools on seven sites in Harrow will be expanded. Because the increased demand for school places is spread across Harrow, and in order to ensure that children can attend schools local to where they live, the schools are located around the borough. The nine schools will be expanded by one form of entry (30 pupils), which will fill incrementally from the point of admission into the school, and are:

Camrose Primary School with Nursery from September 2013
Cedars Manor School from September 2013
Glebe Primary School from September 2013
Marlborough Primary School from September 2013
Pinner Park Infant and Nursery School from September 2013
Pinner Park Junior School from September 2014
Stanburn First School from September 2013
Stanburn Junior School from September 2014
Vaughan Primary School from September 2013

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
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1) Principle of the Development

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

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

Following on from this, saved UDP policy C7 reiterates that there is no objection in principle to the expansion of existing educational facilities, subject to consideration of the need for the new facilities, the accessibility of the site and safe setting down and picking-up points within the site.

The educational use of this site is long established. The existing buildings on the site are time served CLASP buildings which are in a poor state of repair. The existing buildings are poorly configured and the fact that the buildings are located centrally to the site results in a poor layout of the external spaces and a limited capacity for external team sport. The proposed school would be a good sustainable design (BREAAAM very good) and will result in a significant improvement in education facilities for local people and in a building which is fit for its purpose. Furthermore, as outlined above, Harrow needs to create more primary school places to meet a growing demand.

The expansion and redevelopment of the existing educational facilities is considered to be acceptable in principle as there is an identified need to provide additional primary school places due to a growing population and high level of demand experienced over recent years. As such, in line with the National Planning Policy Framework (2012) ‘great weight’ is attached to the redevelopment of the existing school and to expand the existing educational facilities. The re-development proposed would comply with policy CS1 of the Harrow Core Strategy, policy 3.18 of The London plan (2011) and saved policy C7 of the Harrow Unitary Development Plan.

2) Character and Appearance of the Area

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.'

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.

Relationship with adjacent properties and the local area

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

The main front building line would be set back some 5 metres to 15 metres from Marlborough Hill, thereby providing a sufficient buffer zone between the building and the public footpath as well as the two and three storey properties on the opposite side of Marlborough Hill which are sited at a higher level. The majority of the building would respect the established building line of the properties fronting Marlborough Hill with the exception of the hall block which would project forward of the building line, increasing the prominence of this element in the street scene.

The siting of the hall block, which would be built in the first phase of the development, is constrained by the presence of the existing building. However, the design of the school has been conceived as a series of blocks and linking elements, resulting in a building with clearly defined functional spaces. It is considered that the projection would add emphasis to the internal hall space and as a focal point for the school, with the main school signage, adjacent to the main entrance. Given the prominence of this element in the street scene, it is especially important that this particular element should be enhanced through the use of a high quality finish which would add a degree of visual interest to the building. In this regard, a condition should be attached to any permission to ensure that further details of a carefully chosen brick stock are provided to the Local Planning Authority for consideration before the commencement of works.

The proposed new building would be sited away from the closest properties in Ranmoor Gardens (23 metres) and Marlborough Hill (36 metres), adjacent to the north western boundary of the site, thereby creating an acceptable relationship with these properties in terms of the appearance of the building in Marlborough Hill. Having regard to the buffer zones to the front and adjacent to the north western boundary, the level change as well as the surrounding character of the two and three storey residential properties opposite the site, it is considered that the overall siting, mass and scale of the building would have

an acceptable relationship with the properties along Marlborough Hill.

The proposed two storey hall block would run parallel to the north eastern boundary of the site along Badminton Close where the site levels fall along the road. As outlined previously there is approximately a 3 metres fall in levels from the front of the application site to the rear. The two storey hall block would be sited between 17 metres and 27 metres from adjacent properties (No. 1 to 6) Badminton Close and would link into the proposed three storey classroom block which would be angled away from the hall block towards the south west. The three storey block would be sited in the lowest part of the site, between a distance of 26.7 metres and 28 metres from the front facades of No's 7 to 12 Badminton Close. There is a 1.4 metre level change between the two storey hall block and three storey classroom block. Having regard to these distances and the levels change across the site, it is considered that these distances would result in an acceptable relationship with the properties along Badminton Close in terms of character and appearance. Furthermore, due to the level change across the site, the proposed three storey block would not appear visually dominant when viewed from Marlborough Hill.

Design, layout and scale

As outlined above, the design has been conceived as a series of blocks and linking elements that accommodate different functional areas. As such, the main formal classroom blocks and the hall block appear as distinct elements from the less formal linking elements of the building which provides the main circulation and less formal group spaces. The linking elements of the building have a flat roof design which is lower and subservient to the main formal blocks and it is considered that this helps to reduce the overall bulk and visual mass of the building when viewed from both Marlborough Hill and Badminton Close. Furthermore, the main formal elements would be built in render and brick, whereas the linking elements would be timber clad. It is considered that the differentiation in materials results in a building that has clear legibility and articulation. The linking elements would be comprised of untreated cedar cladding which weathers quickly but has durability and is low maintenance. The elevations fronting Marlborough Hill and Badminton Close would have a more formal appearance with clearly aligned windows and doors and would be appropriate in relation to the street frontages. The rear elevation of the building facing the play space would incorporate a more informal and dynamic arrangement of windows and would incorporate coloured blind windows which would add variety and interest to the design. Subject to a condition, requiring specific material samples to be submitted to the Local Planning Authority for further consideration, prior to the commencement of the development, the materials proposed are considered to be acceptable.

Landscaping

A comprehensive landscape strategy accompanies the application. There will be an increase in the number of trees on the site and the introduction of a green landscape buffer zone around the perimeter of the site which is considered to make a positive contribution to the character of the area. The provision of a public "plaza" at the front of the building would provide a welcoming and attractive entrance to the school, enclosed by a row of trees at the front. The main school building and car park adjacent to Marlborough Hill would be enclosed with a 2.1 metre high metal railing. The railings in front of the building would be set back from the pavement along Marlborough Hill by between 3 and 11.5 metres and would therefore not appear overly dominant in the street scene. A further 1.2 metre high metal balustrade would be provided in front of this enclosure to create clearly defined pathways for pedestrians, separated from the vehicle entrance point. A refuse storage enclosure would be provided in the car park adjacent to

the north western boundary of the site which is considered to be an acceptable location. Notwithstanding the details provided, a condition is attached to ensure that a detailed hard and soft landscape is submitted to the Local Planning Authority for further consideration prior to the commencement of development.

Overall, it is considered that the proposed development is a well considered design that, having regard to the operational and site constraints, would make a positive contribution to the character of the area. The school addresses the street frontage and the entrance and distinct elements and functional spaces of the building are clearly recognisable. The proposed building would provide a positive sense of place and subject to conditions on final materials and landscaping details, should successfully integrate into the surrounding suburban context. A high quality landscaped green buffer would around the school site would provide an attractive setting for the building and support biodiversity. Accordingly, the proposal is considered to comply with policies 7.4B and 7.6B of The London Plan (2011) core policy CS1 B of the Harrow Core Strategy (2012) and saved policy D4 of the Harrow Unitary Development Plan (2004).

3) Residential Amenity

Policy 7.6 of The London Plan (2011) states that “Buildings and structures should not cause unacceptable harm to the amenity of the surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate”. Saved policy C7 of the Harrow Unitary Development Plan and in particular paragraph 9.29 suggests that new development must not be detrimental to the environmental quality of the locality or the amenities of the residents.

Amenity impacts in relation to scale, massing and siting

The proposed school would have a greater scale and mass along the street frontage than the existing single and two storey structures of the school. However, the proposed school would be sited further from the north western rear boundary shared with the properties to the rear fronting Walton Drive. The proposed three storey classroom block would be sited between 35 metres and 38 metres from the rear facades of the closest residential properties along Walton Drive and some 15 metres from the rear garden boundaries of these properties. The narrower, side elevation would face towards these properties. The two storey classroom block and linking blocks would be located some 70 metres from the rear elevations of the properties along Walton Drive.

As mentioned previously, the proposed new building would be sited away from the closest properties in Ranmoor Gardens (23 metres) and Marlborough Hill (36 metres), adjacent to the north western boundary of the site. The properties on the opposite side of Marlborough Hill are comprised of two and three storey buildings which are sited at a higher level. The new buildings will undoubtedly change the outlook from these surrounding properties. However, given the distances between the existing and new buildings, it is considered that the proposed buildings would not have a detrimental impact on the amenities of the surrounding neighbouring occupiers along Walton Drive, Walton Road, Ranmoor Gardens or Marlborough Hill in respect of overlooking, overshadowing or having an overbearing impact.

It is recognised that the proposed school building would be closer to the properties fronting Badminton Close when compared to the existing school buildings. The applicant’s statement advises that the three storey classroom block is a consequence of the constrained nature of the site and the necessary phasing and construction sequence in order to ensure that the school remains fully operational throughout the process. The

three storey teaching block and hall block would be constructed in the first phase of the development in order to provide necessary teaching and play space for pupils while the other parts of the existing school are demolished and reconstructed. The closest part of the three storey classroom block would be sited between 26 and 28 metres from No's 9 to 12 Badminton Close. Because of the orientation of the proposed building, the distance from the north eastern boundary would gradually increase towards the rear and would be between 6 and 20 metres from the north eastern boundary of the site. The changing levels across the site will also contribute towards reducing the apparent impact and dominance of this element of the development on surrounding homes.

The properties in Badminton Close face towards a south westerly direction and both the three storey block and two storey hall block would be angled away from the front facades. The properties along Badminton Close would have an angled, as opposed to direct facing view of the buildings. This will help to reduce the visual impact for the adjacent neighbouring occupiers. This orientation and respective siting nevertheless could give rise to a degree of perceived overlooking in relation to some of the first and second floor classrooms and first floor library and flexible learning spaces. To respond to this potential adverse impact, a condition requiring mitigation, in the form of obscure glazing for part of the upper floor windows, would be appropriate to prevent perceived overlooking to the occupiers of Badminton Close.

The applicant has provided a daylight and sunlight assessment to assess the impact of the development on the light receivable by neighbouring residential properties. The report is based on best practice guidance contained in the Building Research Establishment (BRE) Digest 209 'Site Layout Planning for Daylight and Sunlight' (2011). The assessment concludes that the proposed development would have an insignificant effect on light received by the neighbouring properties and gardens, including those in Badminton Close, Walton Drive and Marlborough Hill. For the above reasons, and whilst acknowledging the material change in outlook for these properties from this development, it is considered the proposed development would not have a significantly detrimental impact of the residential amenities of the occupiers of the surrounding residential properties in respect of overlooking, overshadowing or having an overbearing impact.

Increase in Intensity of Use

The proposal would result in a material increase in the number of pupils with a gradual increase proposed each year until 2018 and as such noise and disturbance is likely to be an issue as a result of the intensified use. A noise and ventilation strategy for the buildings has been submitted by Cole Jarman (Ref: 12/2390/M01) which provides guidance in relation to the acoustic performance of building to prevent unacceptable noise and disturbance levels. The report concludes that the noise from the building would not have a detrimental impact on the surrounding occupiers. The main source of noise will be from the rear team sports area. The main hard and soft play area and team sport area would be located centrally to the rear of the buildings which is similar to the existing situation except that the infant and junior play areas are currently separated by the existing school building. Existing, high levels of daytime noise are already experienced by the surrounding neighbouring occupiers.

The National Planning Policy Framework places particular emphasis on meeting the need for school places. Within urban areas, the growth of school places will result in some additional impacts upon nearby residential properties. The NPPF nevertheless requires that particular weight be applied to the need to expand and alter schools. Accordingly, it is considered that whilst some increase in daytime and early evening noise may arise as

a result of the development, the additional noise and disturbance is not considered to significantly undermine residential amenity and should not outweigh the strong emphasis given to expanding schools within national planning policy and the support within the Local Plan. Nevertheless, it should be noted that there are number of existing trees along the north western boundary which would be retained as part of the works as well as the planting of additional trees around the perimeter of the site which would provide some degree of mitigation.

Vehicle Access and Traffic

The proposed car parking area would be sited closer to the neighbouring residential properties adjacent to the north western boundary of the site than is currently the case. However, given the modest uplift in the number of car parking spaces and the use of the site as a school predominantly between the hours of 9am to 5pm, it is considered that vehicles movements would not result in unacceptable levels of noise and disturbance. Concerns have been raised by a neighbouring occupier in Badminton Close regarding an additional vehicle access that would be provided from Badminton Close. The use of this access is not expected to provide for “day to day” access (which would lead to undesirable movements in Badminton Close). To address this potential for adverse impact, a condition restricting use to emergency access for fire and ambulance could be used.

Community Use of Facilities

The school is intended primarily for primary education but the facilities can be used for additional community functions. It is envisaged that community use is likely to increase due to the expanded facilities on offer. However, it is noted that no floodlighting will be provided in connection with the use of the MUGA. As such, the use of this facility would be limited to daylight hours. The additional facilities for the use of the local community outside of school hours is supported by Local Plan policy but will require careful management by the school and its governing body to ensure that it does not give rise to significant adverse impact upon neighbours. Some additional vehicular trips and noise and disturbance are possible in the evenings. To reduce this impact, particularly during the late evening and at weekends, when residents might expect to enjoy the lower ambient noise levels, a condition is recommended to be added to the permission restricting the hours of use of the building and the MUGA.

Construction Phasing

A construction management plan has been provided with the application as well as some indicative construction phasing plans. It is envisaged the construction of the school would take place over a two to three year period with two main phases of development. It is inevitable that noise and disturbance would increase during the construction process; however the impacts would be temporary and can be mitigated to some extent. The application details proposals in respect of reducing noise levels, ensuring the safety of pupils and staff and reducing traffic congestion in the area. However, given the site and locality constraints and the requirement for the school to maintain operations, a condition to ensure a detailed construction management strategy, to include a detailed timetable for implementation, could reasonably be required. Subject to these further details be provided, it is considered that the construction of the proposed development could be managed in a way that reduced the impact of the proposed development on the neighbouring occupiers during the construction phase to acceptable levels.

Overall, it is considered that the proposal would be acceptable in terms of policy 7.6 (B) of The London Plan (2011) and saved policy EP25 of the Harrow Unitary Development

Plan (2004).

4) Traffic and Parking

The London Plan (2011) policies 6.3, 6.9, 6.10 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. 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.

At peak times, in the morning and afternoon, the existing school results in short term, localised congestion, as parents and guardians drop off and pick up children from the school. This pattern, and impact, is repeated across the Borough, and across the Country. There is potential for and a likelihood that this disruption will increase, as the pupil numbers rise. Outside of this time, service vehicles and visitors to and from the existing and the proposed school are unlikely to give rise to significant interference of traffic using the surrounding roads.

Given the local catchment of the school, the very limited scope to re-engineer surrounding roads to meet future demand, and the particular and individual patterns and circumstances of the parents and careers of pupils, the short term, localised impacts of these peaks are an inevitable and unavoidable disruption that has become part of London traffic's character. They do not justify significant engineering of the local highway network; instead these adverse impacts are required to be weighed in the balance, alongside the significant policy support to enhance and improve schools, contained in the NPPF and Local Plan.

The existing school operates a voluntary school travel plan. This is considered effective and since its implementation there has been an increase in the number of staff and pupils traveling to the school by car share and by bus between 2010/2011 and 2011/2012. The school has made a commitment to further developing this plan. However, it is also recognised that the aim of reducing sustainable travel a culture change is required to influence attitudes and change behavior. Any travel plan should be kept up to date and needs to be reviewed annually. Equally, over time, measures to manage demand should be explored. Accordingly, a condition is recommended to ensure that a further more detailed travel plan is submitted for approval, prior to the initial expansion of pupils to the school. The revised travel plan should take into account the phases of the construction program and the increase numbers of pupils and staff as the school expands incrementally. It should also include more stringent measures including further encouragement of cycling, variation of school start times together with initiatives such as breakfast clubs.

Parking near to the school is already controlled by the existing controlled parking zone (CPZ) which operates Mon to Fri 10 am –11 am hence it is unlikely that the expansion would generate any long term parking issues on-street. The additional uplift of internal parking provision from 12-17 spaces is considered acceptable and will assist in reducing the likelihood of on-street displacement. Given the highly constrained nature of the site and limited availability of parking spaces this provision is considered to be acceptable.

The changes to the vehicular and pedestrian are considered to be an improvement in terms of layout, security and access and does not raise any safety or operational concerns. The 32 space cycle parking provision conforms to London Plan 2011 standards and will assist in the shift towards sustainable modes of travel for both pupils

and staff. As previously discussed, a construction management strategy will be required by condition to ensure that the construction process does not adversely affect highway safety of the free flow of traffic. The application has been referred to the Highways Authority who has raised no objection to the proposal. For the reasons outlined above the proposal is considered to be acceptable and would comply with the aims and objectives of policy 6.3 of The London Plan and saved Harrow Unitary Development Plan policies T6 and T13.

5) Development and Flood Risk

The proposed development is not located within a flood risk area. The proposed school will result in a building with a marginally greater footprint than is currently the case; however, by virtue of the hard play areas there will be a nominal increase in hardsurfacing and potentially a small increase in surface water. It is not considered, however, that this would cause a significant flood risk as to warrant the refusal of the application. It is, however, recommended that a planning condition is attached to the permission recommending that details of a sustainable urban drainage are to be submitted to the Local Planning Authority prior to commencement and that the development is carried out in accordance with the approved details. Subject to the use of a SUDS system, the development is considered to comply with London Plan (2011) policies 5.12, 5.13 and 5.14, policy CS1 U of the Harrow Core Strategy and policy EP12 of the Harrow Unitary Development Plan which seek to ensure that development does not increase flood risk and sustainable urban drainage is incorporated into development schemes.

6) 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.

An accessible parking space will be provided in the vicinity of the school site and will be provided with a clearly defined transfer zone. All pedestrian footpaths will be a minimum of 1800mm wide and pavement surfaces will be of non slip material. Gradients will not exceed 1:20. The approach to the new building would be level. A lift will be provided between the ground, first and second floors and all corridors will have a minimum width of 1800mm and all doors will have a minimum clearance of 900mm. Disabled and accessible WCs will also be provided on the ground and first floors of the building. It is considered that the layout of the building would enable adequate circulation for persons with disabilities users and would be acceptable in relation to London Plan (2011) policies 3.1 and 7.2 and saved policy C16 of the Harrow UDP.

7) Equalities Impact

The proposals for a new, replacement school are considered to have no material adverse impact upon the equalities duty of the Local Authority. The design and layout of the building is considered to provide enhanced access and will have a positive impact upon particular protected categories. The impacts of the development on surrounding properties, and the street, are not considered to give rise to differential or specific impacts upon the protected characteristics under the act.

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. Policy 5.2 of the London Plan (2011) seeks to ensure that development proposals make the fullest contribution to minimising carbon dioxide emissions and subsequently states that 'major development proposals should include a detailed energy assessment to demonstrate how targets for CO2 emissions are to be met. Harrow Council's Supplementary Planning Document on sustainable Building Design (adopted May 2009) seeks to address climate change through minimising emissions of carbon dioxide.

While a full energy statement has not been submitted at this stage a BREAAAM pre assessment has been submitted as part of the planning application which indicates the development can achieve BREAAAM standard 'very good'. It is therefore recommended that a planning condition requiring that a detailed energy assessment demonstrating compliance with BREAAAM standard of 'very good' is submitted prior to commencement of development. The layout and orientation of the building has been designed to provide natural ventilation and daylight requirements as part of the passive approach to a sustainable construction. The fabric of the building is intended to achieve low u values through the use of a highly insulated concrete formwork (ICF system). Both photovoltaics and solar hot water panels will be installed on the roof as well as a rainwater harvesting system. Achieving a BREAAAM standard of 'very good' will clearly mean the school will be of sustainable design and construction and the initial pre-assessment indicates the development will score well in areas of energy efficiency, sustainable transport and landscape and biodiversity enhancements. Subsequently the proposal is considered to comply with policy 5.3, core policy CS1T, policy D4 of the Harrow Unitary Development Plan (2004) and the Councils adopted SPD Sustainable Building Design.

Policy 5.11 of the London Plan (2011) seeks to ensure development proposals provide site planting in order to increase biodiversity, for sustainable urban drainage and improve the character and appearance of the area. The overall landscaping of the site will be enhanced and diversified and will make a positive contribution to the character of the area in accordance with policy 5.11.

9) Trees and Development and Biodiversity

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

Subject to a condition to ensure that the proposed development is carried out in accordance with the recommendations of the Arboricultural Report, including arboricultural supervision throughout the project, the proposed method statement and the 'Tree Protection Plan', it is considered that the proposed development is acceptable in relation to policy 7.21 of The London Plan (2011) and saved policy D10 of the Harrow Unitary Development Plan (2004).

Saved policy EP26 of the Harrow Unitary Development plan encourages conservation of

wildlife 'through the protection of existing, and creation of wildlife habitats'. 'Developers will be encouraged to create and enhance landscape and nature conservation features in an ecologically sensitive manner'. A biodiversity report has been submitted as part of the planning application which found the trees were suitable habitat for nesting birds but there was no other habitat suitable for protected species. Furthermore, it was noted that the proposed development would not adversely affect two identified non statutory designated sites of importance for nature conservation within 1km of the site, given their separation and distance from the development site.

To ensure that no offences occur under the wildlife and Countryside Act 1981, a condition is recommended to ensure that any vegetation clearance work is undertaken outside of the bird nesting season between March and August or if this is not possible for a suitably qualified ecologist to determine if nesting birds are present before any vegetation clearance takes place. In addition, a condition is recommended for bird boxes or bird bricks to be erected in suitable locations on the new school buildings which would cater for Regional (London) or UK Biodiversity Action Plan (BAP) species. Subject to these conditions, it is considered that proposal would comply with saved policy EP26 of the Harrow Unitary Development Plan (2004).

10) 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) and core policy CS1 E of the Harrow Core Strategy 2012 seek to ensure that developments should address security issues and provide safe and secure environments. The proposed design and layout offers adequate natural surveillance and indeed one of the main objectives of the redevelopment was to provide better security arrangements. The proposed layout of the site has been discussed and reviewed with the Councils Crime Prevention Design Adviser. Additional comments are currently awaited from the Council's Crime Prevention Design Adviser in respect of any further additional security measures that may be required. It is considered that any further security measures can be required by means of a suitable planning condition which would be recommended at the meeting through the addendum.

11) Consultation Responses

Following site and press notices, and notification of surrounding residents, one letter of comment has been received. The concerns expressed that letter have been addressed where relevant in the corresponding sections of this report (above). In particular, the appraisal has noted that:

- Concerns surrounding the proposed vehicle access in Badminton Close would have an adverse impact on the residential amenity of the occupiers of Badminton Close as a result of parents bring and collecting their children can be mitigated by condition limiting its use for emergency vehicle access.
- There is some concern surrounding refuse collection vehicles not being able to access Badminton Close due to an increase in the number of vehicles. The access to Badminton close is nevertheless already controlled by double yellow line and resident permit parking restrictions. In the event that such obstructions took place, this is a matter capable of parking enforcement. Restriction and control of the access to the school, plus these existing measures means that it is therefore considered that additional vehicles would not use this road.
- The concerns surrounding the risk that construction vehicles might use Badminton Close can be addressed through a comprehensive construction management strategy required by a planning condition.

CONCLUSION

The National Planning Policy Framework and “local Plan” for the area provide broad support to the improvement of schools. This proposal for comprehensive, phased redevelopment gives rise to a number of challenges, associated with the constrained site, the changing levels and the proximity of surrounding homes. The growing school roll is also likely to have short term, localised impacts upon highway conditions at the start and end of the school day.

Against the background of growing demand, and the limited number of available sites to meet such demand, the proposals are, for the above reasons, considered acceptable. The concerns and adverse impacts identified during the pre-application and post submission stages by third parties can be satisfactorily mitigated by the use of planning conditions. The design and impact of the new school buildings on the character and appearance of the locality, and upon the amenities of surrounding homes is considered acceptable. The construction of the buildings and landscaping of the site recognise the Council’s obligations for equality, biodiversity and meeting the challenges of climate change, including the need for sustainable drainage.

The proposals are therefore considered overall to satisfy the policy objectives of 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. The proposed school will provide important social infrastructure, to enhance educational facilities and help meet the growing population and forecast demand for primary school places in accordance with Harrow Core Strategy Policy CS1 and the NPPF.

CONDITIONS

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

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

2 Save where varied by the other planning conditions comprising this planning permission, the development hereby permitted shall be carried out in accordance with the approved plans: Marlborough Primary School Travel Plan; Ventilation Strategy and Plant Noise Limits Ref: 8 June 2012, by Cole Jarman Ltd; Arboricultural Impact Assessment at Marlborough School, Harrow by A.T Coombes Associates; Ecological Assessment Ref: DMB/723865/R13, dated 24th August 2012; BREEAM New Construction 2011 – Pre-assessment: Tracker and Action List for Marlborough Primary School Ref: CTN/7132103/CTN Rev 02, dated 25th September 2012; Schedule of Areas; 3 Form Entry – Schedule No. 1254-001 Rev B; BB99 areas comparison: site areas (post Yr.7 transfer) – Schedule No. xxxx – 003; Daylight and Sunlight Study (Neighbouring Properties) by Daniel Armstrong Associates, dated 11th September 2012; 1254-10-01-01 Rev A; 1254-10-EL-01 Rev A; 1254-10-LO-01 Rev A; Design and Access Statement Rev A; 1254-20-01-01 Rev A; 1254-20-02-01 Rev A; 1254-30-ST-01 Rev A; 1254-20-ST-01 Rev A; Outline Specification for External Works – December 2012; 3652/P01; 3652/P02; 1254-SK10 Rev A; 1254-SK15; 1254-SK12; 1254-SK11 Rev A; 1254-10-GD-01 Rev A; 1254-20-ST-02; Marlborough Primary School – Management of Construction of a Live Site; Letter from Daniel Armstrong Associates, dated 29th January 2013; 1254-20-GD-01 Rev A; 1254-20-RF-01 Rev A; 1254-30-EL-01 Rev A; 1254-30-SE-01; 1254-P1-00; 1254-P1-01 Rev A; 1254-P1-02; 1254-P1-03; 1254-P1-04; 1254-P2-01 Rev A; 1254-P2-02

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

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

- a: all external materials for the buildings
- b: the ground surfacing
- c: the boundary treatment

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policies of The London Plan 2011 and policies D4 and D9 of the Harrow Unitary Development Plan 2004).

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

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

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the adjoining properties, in accordance with policies 7.4 and 7.6 of The London Plan 2012 and saved policies D4 and T13 of the Harrow Unitary Development Plan (2004)

5 Notwithstanding the details shown on approved plans, detailed drawings showing a scheme for the treatment of the following windows to prevent perceived overlooking shall be submitted to and approved by the Council before any work is commenced on site. This part of the development shall be carried out and completed only in accordance with the approved details:

- i North east first floor library window (marked 01-16)
- ii North east first floor flexible learning space window (marked 01-17)
- iii North east first floor classroom window (marked 01-10)
- v North east first floor classroom window (marked 01-09)
- vi North east second floor classroom window (marked 02-05)
- vii North east second floor classroom window (02-04)

REASON: To safeguard the residential amenities of the neighbouring occupiers, in accordance with policy 7.6 of the London Plan (2011).

6 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the site, including full details of irrigation proposals. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the

appearance of the development in accordance with saved Policies D4 and D9 of the Harrow Unitary Development Plan (2004).

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with saved Policies D4 and D9 of the Harrow Unitary Development Plan (2004).

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with saved Policies D4 and D9 of the Harrow Unitary Development Plan (2004).

9 Prior to the occupation of the development, a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority.

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

REASON: To safeguard the amenity of neighbouring residents, the security of school children at the site and the character of the locality in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

10 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

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

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

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding and saved Policy D4 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring

residents, the appearance of the development, drainage, gradient of access and future highway improvement in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

12 Details of the 32 cycle parking spaces on the site and their phased delivery alongside the development shall be submitted to and approved in writing by The Local Planning Authority. The cycle parking shall be implemented on site for the sole use of the school in accordance with the phasing details and shall be retained for the duration of this educational use on the site.

REASON: To ensure the satisfactory provision of safe cycle storage facilities, to provide facilities for all the users of the site and in the interests of highway safety, in accordance with policy 6.9B of The London Plan 2011 and saved policies D4 and T13 of the Harrow Unitary Development Plan (2004).

13 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with the National Planning Policy Framework (2012) and saved policy EP12 of the Harrow Unitary Development Plan (2004) and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF (2012).

14 The construction of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with the National Planning Policy Framework (2012) and saved policy EP12 of the Harrow Unitary Development Plan (2004) and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF (2012).

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

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with the National Planning Policy Framework (2012) and saved policy EP12 of the Harrow Unitary Development Plan (2004) and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF (2012).

16 The development hereby permitted, shall be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment at Marlborough School, Harrow by A.T Coombes Associates. The will include that arboricultural supervision is undertaken throughout the project and the development is carried out in accordance with the method statement and 'Tree Protection Plan'. The tree protective measures shall be erected before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in

any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected in accordance with saved policies D4 and D10 of the Harrow Unitary Development Plan (2004).

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

REASON: To safeguard the ecology and biodiversity of the area in accordance with saved policies EP27 and EP28 of the Harrow Unitary Development Plan (2004).

18 Prior to the commencement of development, details of bird boxes or bird bricks to cater for Regional (London) or UK Biodiversity Action Plan (BAP) species, to be erected on the development or within the site, shall be submitted to and approved in writing by the Local Planning Authority. The details approved shall thereafter be retained.

REASON: To safeguard the ecology and biodiversity of the area in accordance with saved policies EP27 and EP28 of the Harrow Unitary Development Plan (2004).

19 Prior to the final occupation of the development a Sustainability Strategy, detailing the method of achievement of BREEAM 'Very Good' (or successor) for the new school, which includes details of siting, design and noise levels of any equipment, the reduction of baseline CO₂ emissions by 10%, and mechanisms for independent post-construction assessment, shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the final phase of the development a post construction assessment shall be undertaken demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with Policies 5.2, 5.3, 5.7, 5.10 and 5.11 of The London Plan (2011), saved Policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document Sustainable Building Design (2009).

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

REASON: To safeguard the amenities of the neighbouring occupiers in accordance with policy 7.6 of The London Plan 2012 and in the interests of highway safety in accordance with policy T6 of the Harrow Unitary Development Plan 2004.

21 The new buildings hereby permitted shall not be occupied until an updated school travel plan has been submitted to, and approved in writing by the local planning authority. The revised travel plan shall be implemented in accordance with the approved details from the first occupation of any part of the new school buildings.

REASON: To ensure the satisfactory provision of facilities for all users of the site and in the interest of highways safety in accordance with the saved policies D4 and T13 of the Harrow Unitary Development Plan 2004.

22 The buildings hereby permitted shall not be open to the public (including school

pupils) outside the hours of 7am – 11pm Monday to Friday and 8am – 6pm at weekends unless otherwise approved in writing by the Local Planning Authority.

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

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

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

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 all relevant material considerations including any responses to consultation. The proposed school will provide important social infrastructure, to enhance educational facilities and help meet the growing population and forecast demand for primary school places in accordance with Harrow Core Strategy Policy CS1 and the NPPF.

The proposal is considered to be of good sustainable design which makes a positive contribution to the character and appearance of the area whilst respecting the environment. Subject to conditions, it is considered that the proposed new building and increased capacity of the school would not to have a significantly harmful impact on the amenities of any neighbouring occupiers. The proposal is considered not to result in unacceptable pressure on local roads and will not be to the detriment of highway safety. The proposed school is accessible to all and will provide a safe and secure environment for users. In light of the above it is recommended that the application is approved subject to conditions.

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

National Planning Policy:

National Planning Policy Framework (2012)

The London Plan (2011):

3.16 – Protection and Enhancement of Social Infrastructure

3.18 – Education Facilities

5.2 – Minimising carbon dioxide emissions

5.3 – Sustainable design and construction

5.7 – Renewable Energy

5.10 – Urban Greening

5.11 – Green roofs and development site environs

5.12 – Flood risk management

5.13 – Sustainable Drainage

6.3 – Assessing effects of development on transport capacity

6.9 – Cycling

6.10 – Walking

6.13 – Parking

- 7.1 – Building London’s neighbourhoods and communities
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.5 - Public Realm
- 7.6 – Architecture
- 7.13 – Safety, security and resilience to emergency
- 7.15 – Reducing noise and enhancing soundscapes
- 7.19 – Biodiversity and Access to Nature
- 7.21 – Trees and Woodlands

Harrow Core Strategy (2012)

- CS1: Overarching Principles
- CS 2: Harrow and Wealdstone

Harrow Unitary Development Plan (2004)

- D4 -The Standard of Design and Layout
- D10 - Trees and Development
- EP25 – Noise
- EP26 – Habitat Creation and Enhancement
- EP27-Species Protection
- C2- Provision of Social and Community Facilities
- C7- New Education Facilities
- C16- Access to Buildings and Public Spaces
- T6 – The Transport Impact of Development Proposals
- T9 – Walking
- T10 – Cycling
- T11 – Cycle and Motor Cycle Parking in public places
- T13 – Parking Standards
- EP12 – Control of Surface Water Run-off

Draft Development Management Policies DPD (2012)

- Policy 1 – Achieving a High Standard of Development
- Policy 2 – Achieving Lifetime Neighbourhoods
- Policy 16 – Managing Flood Risk
- Policy 17 – On Site Water Management and Surface Water Attenuation
- Policy 19 – Sustainable Design and Layout
- Policy 21 – Renewable Energy Technology
- Policy 26 – Provision of New Open Space
- Policy 27 – Protection of Biodiversity and Access to Nature
- Policy 28 – Enhancement of Biodiversity and Access to Nature
- Policy 30 – Trees and Landscaping
- Policy 31 – Streetside Greenness and Forecourt Greenery
- Policy 35 – Amenity Space
- Policy 53 – Parking Standards
- Policy 56 – Waste Management

Other Relevant Guidance:

- London Borough of Harrow Open Space Study PPG17
- The Harrow Annual Monitoring Report 2001 – 2011
- The emerging Site Allocations DPD 2011
- Supplementary Planning Document Sustainable Building Design (2009)

Supplementary Planning Document: Access for All (2006)
Code of Practice: Refuse Storage and Collection of Domestic Refuse (2008)

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

3 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

5 INFORM_PF1

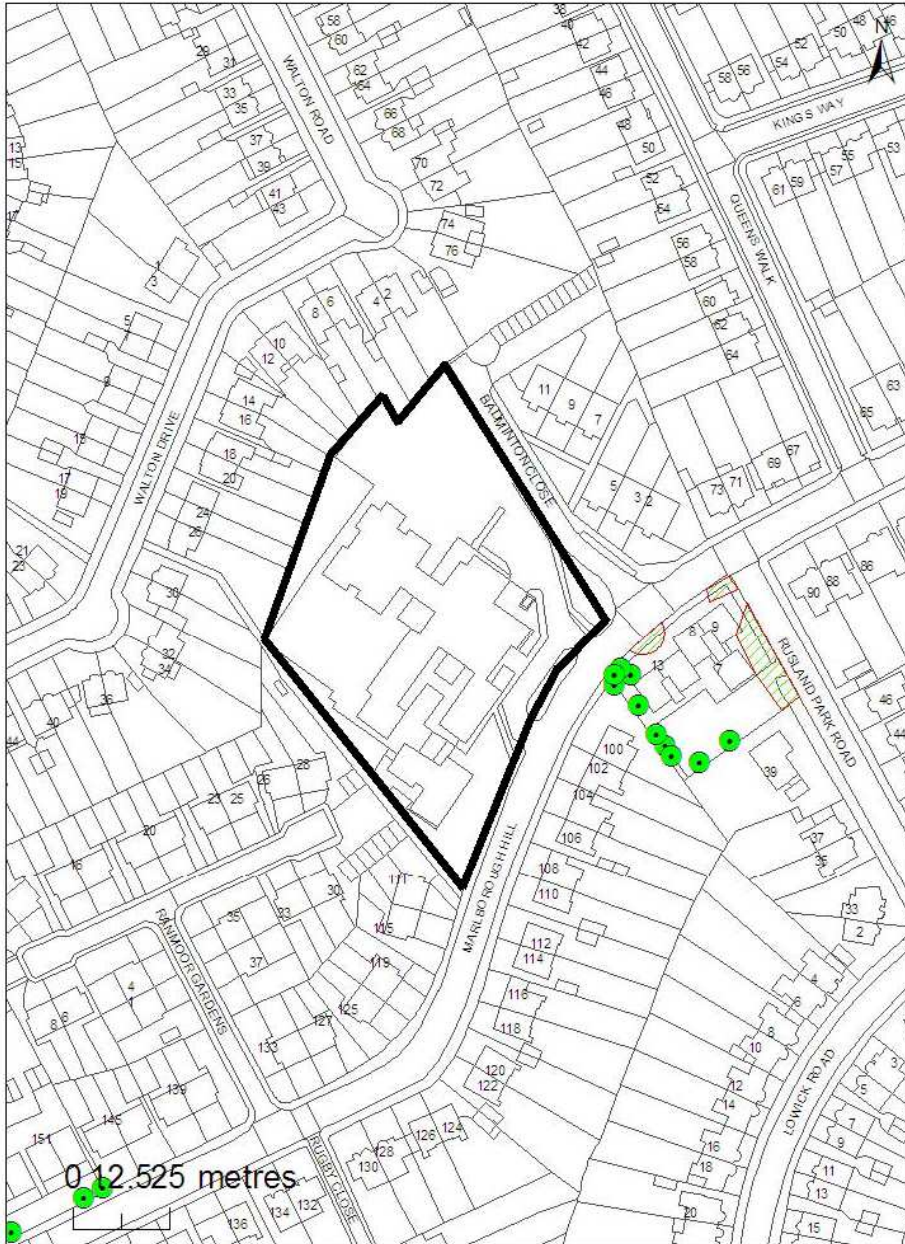
6 DUTY TO BE POSITIVE AND PROACTIVE

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

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

Plan Nos: Marlborough Primary School Travel Plan; Ventilation Strategy and Plant Noise Limits Ref: 8 June 2012, by Cole Jarman Ltd; Arboricultural Impact Assessment at Marlborough School, Harrow by A.T Coombes Associates; Ecological Assessment Ref: DMB/723865/R13, dated 24th August 2012; BREEAM New Construction 2011 – Pre-assessment: Tracker and Action List for Marlborough Primary School Ref: CTN/7132103/CTN Rev 02, dated 25th September 2012; Schedule of Areas; 3 Form Entry – Schedule No. 1254-001 Rev B; BB99 areas comparison: site areas (post Yr.7 transfer) – Schedule No. xxxx – 003; Daylight and Sunlight Study (Neighbouring Properties) by Daniel Armstrong Associates, dated 11th September 2012; 1254-10-01-01 Rev A; 1254-10-EL-01 Rev A; 1254-10-LO-01 Rev A; Design and Access Statement Rev A; 1254-20-01-01 Rev A; 1254-20-02-01 Rev A; 1254-30-ST-01 Rev A; 1254-20-ST-01 Rev A; Outline Specification for External Works – December 2012; 3652/P01; 3652/P02; 1254-SK10 Rev A; 1254-SK15; 1254-SK12; 1254-SK11 Rev A; 1254-10-GD-01 Rev A; 1254-20-ST-02; Marlborough Primary School – Management of Construction of a Live Site; Letter from Daniel Armstrong Associates, dated 29th January 2013; 1254-20-GD-01 Rev A; 1254-20-RF-01 Rev A; 1254-30-EL-01 Rev A; 1254-30-SE-01; 1254-P1-00; 1254-P1-01 Rev A; 1254-P1-02; 1254-P1-03; 1254-P1-04; 1254-P2-01 Rev A; 1254-P2-02 Rev A; 1254-P2-03 Rev A; 1254-P2-04 Rev A; 1254-P3-01 Rev A; 1254-P3-02 Rev A; 1254-P3-03

MARLBOROUGH PRIMARY SCHOOL, MARLBOROUGH HILL, HARROW



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SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No: 2/01

Address: 132 BUTLER ROAD, WEST HARROW

Reference: P/2675/12

Description: RETROSPECTIVE APPLICATION FOR THE REVISED FOOTPRINT OF UNITS 1, 2 AND 3, REVISED DRAINAGE DETAILS AND ALTERATIONS TO EXTERNAL ELEVATIONS IN CONNECTION WITH THE REDEVELOPMENT OF LAND TO THE REAR OF 132 BUTLER ROAD TO PROVIDE A PAIR OF SEMI-DETACHED HOUSES AND A DETACHED BUNGALOW WITH ACCESS AND PARKING (VARIATION OF PLANNING PERMISSION REF: P/1414/09 DATED 15/10/09)

Ward: WEST HARROW

Applicant: MR MAZZI & MR SHARKEY

Agent: PHD CHARTERED TOWN PLANNERS

Case Officer: GERARD LIVETT

Expiry Date: 04 FEBRUARY 2013

RECOMMENDATION

GRANT planning permission, subject to conditions

REASON

The decision to grant planning permission for the revised footprint of units 1, 2 and 3, revised drainage details and alterations to external elevations in connection with the redevelopment of land to the rear of 132 Butler Road to provide a pair of semi-detached houses and a detached bungalow with access and parking 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 revised footprint and size of the dwellinghouses does not significantly change the character of the development and having regard to the provisions within the Council's Supplementary Planning Document, would not have an unacceptable impact on the residential amenities of neighbouring occupiers.

INFORMATION

The application is reported to the Planning Committee as the proposal is for the provision of three dwellinghouses and is outside the scope of Category 1(b) of the Scheme of Delegation.

Statutory Return Type: Minor dwellings

Council Interest: None

Net additional Floorspace: 206 sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £7,210

Site Description

- The site is located on the northern side of Butler Road, to the east of the junction with Drury Road. The triangular plot is located to the rear of no. 132 Butler Road and there is an access way which runs adjacent to the eastern side boundary of no. 132.
- The site was formerly used as a builders yard and office with single storey buildings and compounds for open storage of materials (Sui Generis use)
- The neighbouring properties to the south, no's 132-140 Butler Road are two storey semi-detached properties. The rear boundaries of these properties adjoin the southern boundary of the subject site.
- The neighbouring properties to the east, no's 28 to 48 Drury Road are two storey terraced properties. The rear boundaries of these properties adjoin the eastern boundary of the subject site.
- The neighbouring properties to the west, No's 13 and 15 Wilson Gardens are two storey semi-detached properties. The eastern side boundaries of these properties adjoin the western boundary of the subject property.
- The surrounding area is characterised by terraced properties and flats.

Proposal Details

- The proposal seeks retrospective permission for a pair of two-storey semi-detached dwellinghouses and a detached single-storey dwellinghouse with accommodation in the roofspace on a former builders' yard to the rear of 132 Butler Road.
- The pair of semi-detached dwellings is located at the northern end of the site adjacent to the western boundary.
- Dwelling 1 would contain two bedrooms and dwelling 2 would contain 3 bedrooms at first floor level and living area at ground floor level
- The semi detached dwellings have a maximum height of 7.5m at the highest part of the hipped roof. The dwellings measure 9.7m wide and 9m deep. The semi detached dwellings are set 1m from the western boundary and 8.3m from the northern boundary.
- Room sizes: (dwelling 1) Kitchen – 7m², living area – 18m², bedroom 1 – 10m², bedroom 2 – 10.3m², bathroom (first floor) – 3.5m²
- Room sizes: (dwelling 2) Kitchen – 5.8m², living area – 19m², bedroom 1 – 12m², bedroom 2 – 7m², bedroom 3 - 5.8m², bathroom (first floor) – 3.45m²
- Bin store – A bin storage area is provided at the side of each dwelling
- Dwelling 1 has a rear amenity space of approximately 50m²
- Dwelling 2 has rear amenity space of approximately 58m²
- Dwelling 3: The bungalow is located adjacent to the southern boundary and would contain two bedrooms, one at ground floor level and one in the loft with living area at ground floor.
- The bungalow is 6.4m high to the highest point of the ridge, the roof is hipped. The bungalow measures 8.5m wide and 9.3m deep. The bungalow is set 3m in from the southern boundary and 6.561m from the western boundary

Revisions to Previous Application

Following the previous approved application P/1414/09, the following amendments have been made:

- The semi-detached dwellings are approximately 0.4m wider and 0.6m deeper than approved.
- A revised survey indicates that they are 0.7m further from the site boundary than was indicated on the previous proposed drawings.
- The additional depth and width of the semi-detached dwellings mean that the development encroaches further towards the interior of the site
- The previously proposed porch for the bungalow has been omitted

Relevant History

WEST/543/02/OUT – Outline: pair of two-storey 2 bed semi-detached houses and detached 2 bed bungalow with access and parking
Granted – 17-Sep-2002

P/1939/03/CFU – Pair of semi-detached houses and detached bungalow with access and parking
Granted – 12-Dec-2003

P/2328/09 – Details pursuant to conditions 8 (surface water attenuation), 12 (prevention of water contamination) & 13 (site drainage) of planning permission P/1993/04/CFU dated 9-Sept-2004 for development to provide a pair of semi-detached houses and a detached bungalow
Granted – 28-Feb-2007

P/1414/09 – Redevelopment of site to provide pair of semi-detached houses and a detached bungalow with access and parking
Granted – 15-Oct-2009

P/1493/12 – Non-Material Amendment To Add A Window To First Floor Front Elevation Attached To Planning Permission P/1414/09 Dated 15/10/2009 For Redevelopment Of Site To Provide Pair Of Semi-Detached Houses And A Detached Bungalow With Access And Parking (Retrospective application)
Approved – 06-Jul-2012

P/3409/11 – Removal of condition 12 (surface water); Variation of condition 2 (materials) to be completed in accordance with the schedule of materials and drawing no. D_11_132br_001; Variation of condition 4 (landscaping details) to be completed in accordance with d_11_132br_002 rev a; D_11_132br_003; Variation of condition 10 (disposal of surface water) to be completed in accordance with drawing no. 132br.ph.01, priora drainage systems technical information tarmac dry technical information and hydro international report; Variation of condition 11 (surface water attenuation) to be completed in accordance with drawing no. 132br.ph.01, priora drainage systems technical information tarmac dry technical information and hydro international report. All conditions relate to planning permission P/1414/09 dated 15/10/2009.
Granted 10-Feb-2012

Pre-Application Discussion

- None

Applicant Submission Documents

- Design and Access Statement:
- Planning permission was granted under reference P/1993/04 and renewed under

reference P/1414/09

- Works commenced in 2011
- Application includes some minor variations from the approved scheme that would have no impact on neighbouring properties
- Proposal makes efficient use of previously developed land
- Dwellings comply with Part M requirements

Consultations

Highways Authority: No objection

Drainage Engineers: Submitted drainage details are satisfactory

Advertisement

None

Notifications

Sent: 33

Replies: 1

Expiry: 09-Jan-2012

Addresses Consulted

Butler Road: 130, 134-146 (even); 131-139 (odd)

Drury Road: 22-46 (even)

Wilson Gardens: 11-17 (odd)

Summary of Responses

- I am concerned that the footprint has increased when the project was monitored by Harrow Council from the beginning. I would not like to see retrospective planning permission used as a matter of course when builders do not follow the original plans. I was disappointed that the footprint appears to be closer to the boundaries than shown on the original approved plans. I am also upset that three lilac trees on the other side of the fence from our property and, which were marked on the plans, were removed and there is no sign of any landscaping to replace them.

APPRAISAL

NOTE ON THE EMERGING DEVELOPMENT MANAGEMENT POLICIES DEVELOPMENT PLAN DOCUMENT

While this application has been principally considered against the policies of the Harrow Core Strategy (2012), The London Plan (2011) and 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 was 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.

Although the emerging Development Management Policies do not form part of the Statutory Development Plan for the London Borough of Harrow, they can be accorded some weight as a material planning consideration.

MAIN CONSIDERATIONS

- 1) Principle of Development
- 2) Character and Appearance of the Area and Residential Amenity
- 3) Contaminated Land
- 4) Residential Development
- 5) Highways Considerations
- 6) S17 Crime & Disorder Act
- 7) Consultation Responses

1) Principle of the Development

Planning permission for the development of this site has been granted on two previous occasions.

Since the last permission was granted, the government has adopted the National Planning Policy Framework, a revised London Plan has been adopted and Council has adopted its Core Strategy. Policy CS1.B of the Core Strategy seeks to ensure that development within the borough complements the character of the area in which it is located and further seeks to restrict development on garden land.

Although the site is located behind existing rows of properties and accessed via a drive way, the scheme is considered to not be a backland or back garden development as the subject site is not a rear garden. Its former use as a yard and store (sui generis) had the potential to generate levels of disturbance that is out of character with the surrounding predominantly residential area. The redevelopment of the site to provide three residential dwellings introduces a use to the site which would be more compatible with the surrounding residential environment.

In this case, it is considered that the changes in the development plan context are not so significant that planning permission should not be granted.

The principle of the development is acceptable.

2) Character and Appearance of the Area and Residential Amenity

The surrounding area is characterised by a mix of two storey terraced and semi detached dwellinghouses and it is considered that the dwellings reflect the character and appearance of the surrounding area. The overall arrangement is consistent with the built form and the plot sizes are similar to the size of neighbouring sites. As there has been significant change in planning policies that are relevant to this proposal since the granting of the previous scheme it is considered that the scheme would still have the same impact on character and amenity as was assessed in 2009 and therefore a refusal on this basis is unjustified.

It is considered that the proposal does not have an unreasonable effect on the residential amenity of the surrounding neighbouring properties. The two storey building (containing dwellings 1 and 2) is located adjacent to the western side boundary along

side the flank wall of no. 15 Wilson Gardens. Paragraph 3.14(i) of the adopted Supplementary Planning Document: Residential Design Guide (2010) states that 'no part of any new extension should interrupt a 45 degree splay drawn on a plan from the nearest first floor or two storey rear corner of any next-door dwelling'. The dwellinghouse does not interrupt the 45 degree splay when taken from both the front and the rear corner of the dwelling at no. 15 Wilson Gardens and in satisfying the requirements of the adopted SPD it is considered the proposal does not result in an unreasonable loss of light to this property. There are no windows on the flank wall of no. 15 Wilson Gardens, the dwelling (1) has two obscure glazed high level windows, one at ground floor and one at first floor level. It is considered that the proposal does not result in any overlooking or loss of privacy to no. 15 Wilson Gardens.

Whilst the dwellinghouses have been designed with the constraints of the site, and the characteristics of the area. Any extensions to the properties could increase site coverage and could have a detrimental impact on the character of the area and on the residential amenities of neighbouring properties because of the plot size. Each of the properties needs to be considered on its merits with regard to extensions. In this case, a single-storey extension to unit 1 or unit 3 would not result in significant harm. However, a 3m deep rear extension to unit 2 would project 5.5m beyond the rear wall of Unit 1. Therefore, a restriction on permitted development rights for side and rear extensions (Class A) for unit 2 only is recommended to allow any such proposals to be considered on their merits.

The Council is mindful of the proposed changes to permitted development rights, but it is considered that the restriction relating to plot coverage would represent a sufficient safeguard against excessive extensions at the other properties.

None of the properties have porches at present, and it is considered that if porches were to be constructed, this would not have a significant impact on the character of the area or on neighbouring amenity. Therefore, a restriction on Class D permitted development would not be required.

Additional hard surfaces have significant potential to increase surface water run-off. It is considered appropriate to restrict permitted development rights under Class F.

As the development has been substantially completed, and details of landscaping, materials and boundary treatments have been provided, conditions relating to these aspects are not required.

On balance, it is considered that the proposal would comply with policies 7.4 and 7.6 of The London Plan (2011), policy CS1.B of the Harrow Core Strategy (2012) and saved policies D4 and D5 of the Harrow Unitary Development Plan (2004) with regard to design and neighbouring amenity.

3) Contaminated Land

A Contamination report carried out by 'Sitecheck' was submitted in a previous approval of details application P/2328/06 to discharge condition 12 of P/1993/04/CFU. The report concludes that the subject property would not be designated 'contaminated land'. As the condition relating to contamination was discharged it is considered that the proposed residential development on the site would be appropriate and would not prejudice the amenities of the future occupiers of the site. The application would be in accordance with policy 5.21 of The London Plan and saved policy EP22 of the UDP in this regard.

4) Residential Development

Circulation and Layout

The size and layout of the dwellings is acceptable. It is considered that the overall circulation and layout of the development would provide satisfactory living arrangements to all dwellings.

Although some of the room sizes are smaller than as recommended in the Mayor of London's Supplementary Planning Guidance, these standards relate to social housing, and the overall internal areas of the properties comply with the requirements of policy 3.5 of The London Plan (2011).

Access to Amenity Space

There is amenity space to the rear of each dwellinghouse. It is considered that the amount of amenity space for the houses is comparable to the character of the surrounding area and the layout of the amenity space is sufficient as a useable amenity area for the occupiers of the development.

Refuse and recycling storage

In accordance with the Councils Code of Practice for the storage and collection of refuse and materials for recycling in domestic properties, a total of three bins are required for each dwellinghouse. The site plan shows that a bin store capable of storing 3 bins is located to the side of each dwelling and would not be visible from the street scene. A condition of this consent requires that a bin store is also provided at the top of the shared driveway for collection day and that the bins must otherwise be stored adjacent to the dwellings. It is considered that the proposal is satisfactory and complies with policy D4 and that adequate provision has been made for refuse storage.

As this is a new development it is considered reasonable to expect the new dwellings to comply closely with Lifetime Homes standards as found within the 'Accessible Homes' SPD. It is considered that the proposal meets all of the lifetime homes standards and that it provides adequate accommodation for future occupants.

5) Highways considerations

There is provision for five car parking spaces. The Council's Highways Engineer has assessed the application and has no objection to the scheme.

The applicant has shown that three of the five car parking spaces are capable of extending to a width of 3.3m to accommodate a disabled car parking space, one for each dwelling.

There are also public transport options including the West Harrow Underground Station (approximately 300m from the subject site) and bus routes such as the H11 within close proximity to the property.

6) S17 Crime & Disorder Act

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

The Crime Prevention Design Advisor had no objections to the previous application.

7) Consultation Responses

The application has prompted one response from a local resident.

This highlights concern that the footprint has increased when the project was monitored

by Harrow Council from the beginning.

The submission expresses concern that retrospective planning permission is used as a matter of course when builders do not follow the original plans.

The local planning authority does not condone breaches of control in this case and, in line with the adopted enforcement policy, sought a retrospective planning application.

Planning legislation allows for developers to apply for permission for the retention of development. In this case, it is considered that the changes from the approved scheme are not so significant that planning permission should be refused.

The representation expresses further disappointment that the footprint appears to be closer to the boundaries than shown on the original approved plans.

From the Council's enforcement investigation, it nevertheless appears that the boundaries were incorrectly drawn on the original plans. The development is not closer to residential boundaries than the previously approved distances.

The representation also expressed concern that three lilac trees on the other side of the fence from our property and, which were marked on the plans, were removed and there is no sign of any landscaping to replace them.

These trees were not subject to any statutory protection. The applicants have made provision for new landscaping.

CONCLUSION

The revised footprint and size of the dwellinghouses does not significantly change the character of the development and having regard to the provisions within the Council's Supplementary Planning Document, would not have an unacceptable impact on the residential amenities of neighbouring occupiers.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, subject to the conditions proposed, this application is recommended for **approval**.

CONDITIONS

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

D_12_132BR_10 Rev C; D_12_132BR_11 Rev G; D_12_132BR_12 (location plan); D_12_132BR_12 Rev A (plans and elevations, unit 3); D_12_132PH.01.B; 393/01a; Hydro international report dated 11 December 2011; Design and Access Statement

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

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

agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, as required by saved policies D4 and D9 of the Harrow Unitary Development Plan (2004).

3 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area beside the dwellings, as shown on approved drawing No. D_12_132BR_11 rev G.

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

4 The development hereby permitted, as detailed in the submitted and approved drawings, shall be completed to Lifetime Home Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Home' standard housing in accordance with policy 3.5 of The London Plan (2011), policy CS1.K of the Harrow Core Strategy (2012) and saved policies D4 and C16 of the Harrow Unitary Development Plan (2004).

5 The development hereby permitted shall not be occupied or used until the parking spaces shown on the approved plans have been made available for use. The space shall be allocated and retained for use by the occupants of the dwellings hereby approved 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 'Lifetime Homes Standards' housing, as required by policy 3.5 of The London Plan (2011), policy CS1.K of the Harrow Core Strategy (2012) and saved policies D4, T13 and C16 of the Harrow Unitary Development Plan (2004)..

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Class A in Part 1 of Schedule 2 to that Order shall be carried out to the dwellinghouse shown as Unit 2 on approved drawing D_12_132BR_11 Rev G without the prior written permission of the local planning authority.

REASON: To safeguard the residential amenities of the occupiers of the neighbouring property (Unit 1), in accordance with saved policies D4 and D5 of the Harrow Unitary Development Plan (2004).

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

REASON: To safeguard the character of the area by restricting the amount of site coverage by hard surfaces and to control surface water run-off, in accordance with saved policies D4, D9 and EP12 of the Harrow Unitary Development Plan (2004).

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as

well as to all relevant material considerations including any responses to consultation. The revised footprint and size of the dwellinghouses does not significantly change the character of the development and having regard to the provisions within the Council's Supplementary Planning Document, would not have an unacceptable impact on the residential amenities of neighbouring occupiers.

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

National Planning Policy

National Planning Policy Framework (2012)

The London Plan (2011)

- 3.3 – Increasing housing supply
- 3.5 – Quality and design of housing developments
- 3.8 – Housing choice
- 5.3 – Sustainable design and construction
- 5.13 – Sustainable drainage
- 5.21 – Contaminated land
- 6.9 – Cycling
- 6.13 – Parking
- 7.2 – An inclusive environment
- 7.3 – Designing Out Crime
- 7.4 – Local Character
- 7.6 – Architecture

Harrow Core Strategy (2012)

Core Policies CS1 (A, B, I, K, R), CS5 (I)

Harrow Unitary Development Plan (2004)

- D4 – The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy
- D9 – Streetside Greenery and Forecourt Greenery
- EP12 – Control of Surface Water Run-off
- EP22 – Contaminated Land
- T6 – The Transport Impacts of Development Proposals
- T13 – Parking Standards
- H7 – Dwelling Mix
- C16 – Access to Buildings and Public Spaces

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Accessible Homes (2010)

Draft Development Management Policies Development Plan Document (2012)

- Policy DM1 – Achieving a High Standard of Development
- Policy DM17 – On site water management and surface water attenuation
- Policy DM22 – Prevention and Remediation of Contaminated Land
- Policy DM32 – Housing Mix

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 MAYOR OF LONDON COMMUNITY INFRASTRUCTURE LEVY

Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of £7,210 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

The charge has been calculated on the floorspace of the buildings.

Harrow Council as CIL collecting authority on 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 £7,210 for the application, based on the levy rate for Harrow of £35/sqm and the calculated floorspace of 206 sqm.

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

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

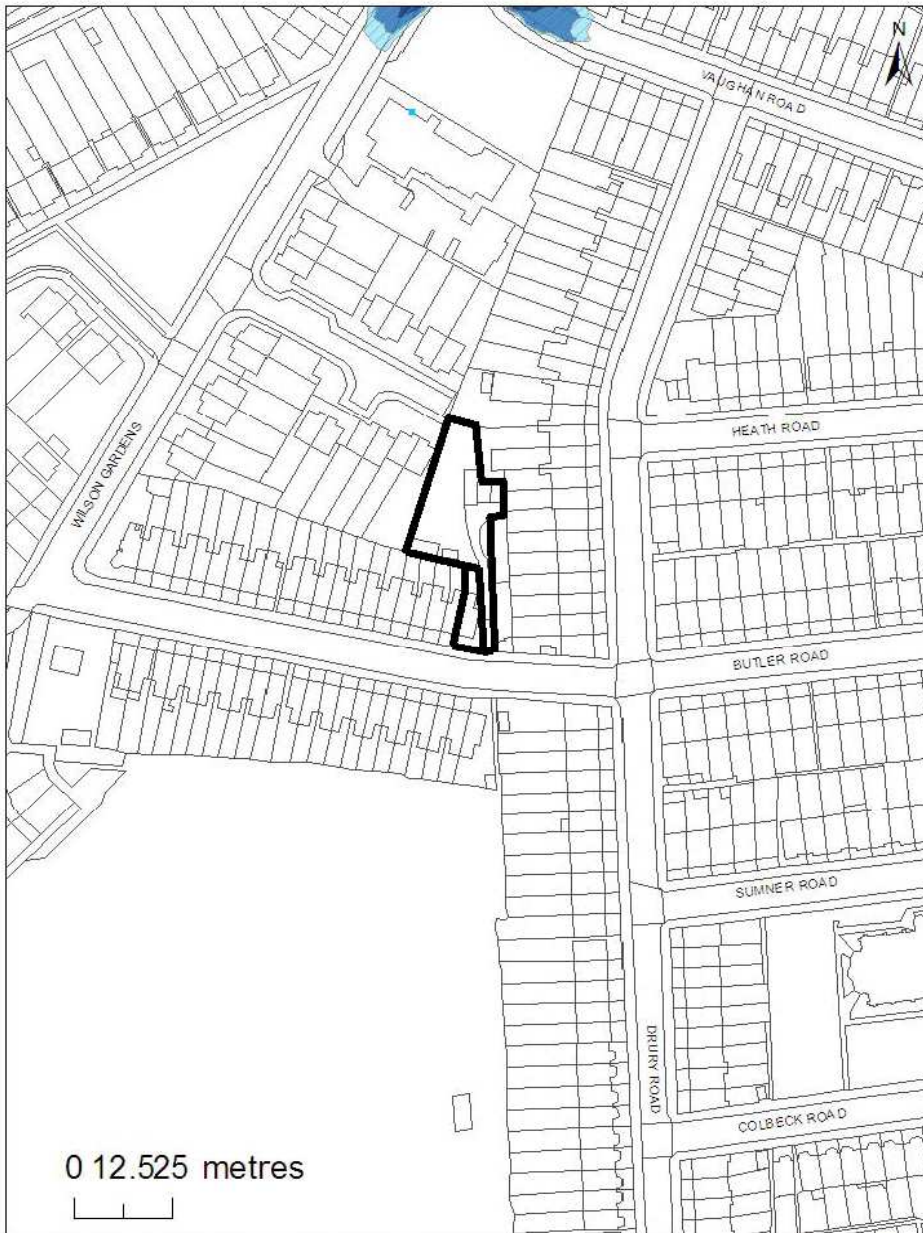
4 GRANT WITHOUT PRE-APPLICATION ADVICE

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: D_12_132BR_10 Rev C; D_12_132BR_11 Rev G; D_12_132BR_12 (location plan); D_12_132BR_12 Rev A (plans and elevations, unit 3); D_12_132PH.01.B; 393/01a; Hydro international report dated 11 December 2011; Design and Access Statement

132 BUTLER ROAD, HARROW



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Item Number 2/02
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), Harrow Core Strategy (2012) and the Saved policies of the Harrow Unitary Development Plan 2004.

Subject to the conditions contained within the decision, the proposed gate would not result in an adverse impact upon the free flow of pedestrians using the public right of way, nor would the proposals have an adverse impact upon the character or appearance of the Roxeth Hill Conservation Area.

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 through the site and connects Byron Hill Road to Roxeth Hill. Although this road running through the site is not a public right of way, the footpath adjacent to the road which also runs through the site and is located adjacent to the proposed location of the gate is a public pedestrian right of way (footpath number

120).

- 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.
- The gate would be constructed of galvanised steel and painted gloss black.

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 and General Notification – Expiry - 13 December 2012

Advert – Development Affecting a Right of Way – Expiry – 7 February 2013

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

Site Notice – Development Affecting a Right of Way – Expiry - 15 February 2013

Notifications

Sent: 54

Replies: 16

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 currently being held. 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

This planning application seeks to introduce a gate to an existing footway between

Roxeth Hill and Brickfields. The Council initially believed that this route was not part of the definitive map, and did not represent a public right of way, as defined within the respective legislation. Following the submission of a number of representations, and further investigation by officers within the rights of way team, records suggesting that the route is part of the public rights of way network have been unearthed. Whilst the status of this route is contested, the application has been advertised as appropriate to a development affecting a public right of way.

The application suggests that the gate will not be locked. It is not the case that a public right of way cannot be “obstructed” by an unlocked gate. The proposed gate is some 1.9m high and constructed in a manner that does not permit pedestrians to climb over it, were it to be locked. On that basis, locking the gate could amount to an obstruction to the right of way that would give rise to harm, to an interest of material significance. Any proposal seeking to obstruct the public right of way in such a manner would be unacceptable, and inconsistent with the objective of promoting walking and alternative modes of travel, contained within local and national planning policy. The introduction of a locked gate to a public right of way enjoying free passage also has implications for those with disabilities. Mindful of the Councils equalities obligation, and provided that the gate itself benefits from an easy to use (non-spring loaded) opening and closing mechanism, officers consider the impact upon protected characteristics of residents in the borough need not be adversely impacted. The applicants have not sought to advance any reason for obstructing the right of way with an enclosure (such as for example the control of livestock). Subject to the maintenance of free passage through the gate, and notwithstanding the objections received, the proposals are accordingly considered to be acceptable in principle.

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.

It is considered that the proposed gate would not appear unduly intrusive and would be consistent 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 in the locality.

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 security of Glasfryn Court. The representations received, dispute this claim. Given the nature of the enclosure, officers consider that the impact of the gate will be benign, in the context of crime and disorder.

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 subject to a public pedestrian right of way. This is addressed in the “Principle of Development” paragraph above. A condition preventing the gate from being locked has been recommended on this application. This would ensure that access to the public pedestrian right of way is maintained.
- Verbal abuse/threatening behaviour is a matter for the police and is not a material planning consideration.
- 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

This application has been subject of considerable local interest. During the application process, the Authority has been made aware of records that suggest that the gate sits on a route that comprises a public right of way. Whilst this matter is disputed, the application has been treated as potentially affecting such a right of way. The gate itself is considered to be appropriate to the character and appearance of the conservation area and will otherwise have a benign impact upon the area as a whole. Subject to details provide by way of a condition that demonstrate that the gate and its mechanism will not obstruct use of the route by pedestrians, officers consider that the proposal can be supported. Approval is accordingly recommended.

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 Prior to the installation of the gate hereby approved, details of any latch, or catch together with any self-closing mechanism to be employed shall be submitted to and approved in writing by the Local Planning Authority. The gate shall be installed in complete accordance with any approved details and save for such details, no other latch or closing mechanism shall be employed or fixed to the gate at any time.

REASON: To ensure that the gate does not obstruct or unacceptably impede the free flow of pedestrians lawfully using the route between Brickfields and Roxeth Hill in accordance with the objectives of policy CS1 of the Harrow Core Strategy (2012)

3 Save where otherwise permitted by conditions contained within this permission, 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), Harrow Core Strategy (2012) and the Saved policies of the Harrow Unitary Development Plan 2004.

Subject to the conditions contained within the decision, the proposed gate would not result in an adverse impact upon the free flow of pedestrians using the public right of way, nor would the proposals have an adverse impact upon the character or appearance of the Roxeth Hill Conservation Area.

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

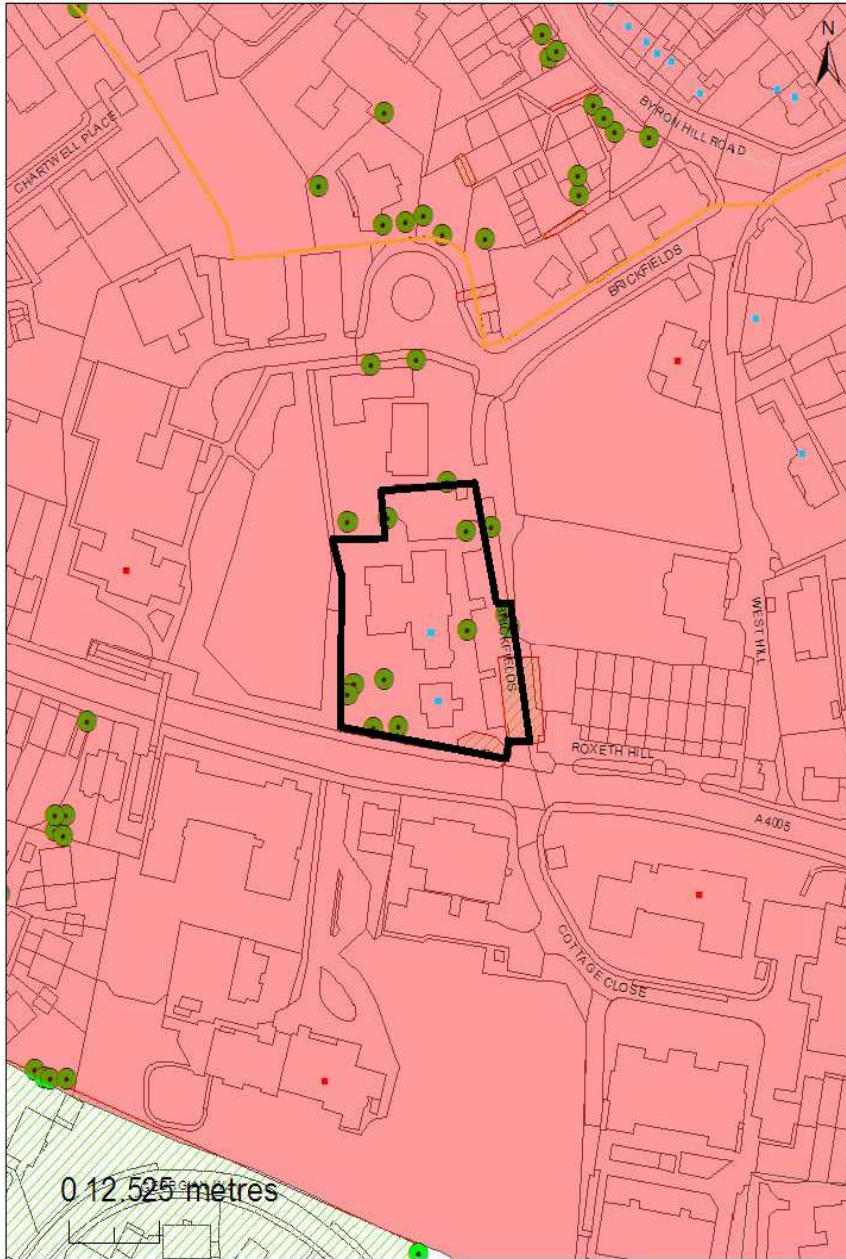
4 GRANT WITHOUT PRE-APPLICATION ADVICE

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.