

## SECTION 1 – MAJOR APPLICATIONS

Item No. 1/01

Address: FORMER GOVERNMENT OFFICES SITE (STANMORE PLACE) AND LAND ADJACENT TO EDGWARE BROOK (STANMORE MARSH), HONEYPOT LANE, STANMORE

Reference: P/0506/13

Description: MODIFY S.106 AGREEMENT TO PLANNING PERMISSION P/2450/11 DATED 19/03/2012 TO REMOVE THE REQUIREMENT TO PROVIDE THE FOOTPATH BETWEEN THE DEVELOPMENT AND WHITCHURCH LANE/HONEYPOT LANE JUNCTION, WITH 2.1 METRE HIGH RAILINGS TO BE PROVIDED ALONG THE BOUNDARY OF THE SITE WITH STANMORE MARSH/EDGWARE BROOK

Ward: CANONS

Applicant: BERKELEY HOMES

Case Officer: NICHOLAS RAY

Expiry Date: 20-MAY-13

### RECOMMENDATION

**APPROVE** modification of the Section 106 Agreement dated 15<sup>th</sup> March 2012 relating to the undertaking of planning permission P/2824/10 (S.4 of the Fourth Schedule), subject to the applicant entering into a deed of variation with the following Heads of Terms:

- (i) The developer to provide the boundary railings in accordance with the details accompanying this submission, prior to occupation of the final unit;
- (ii) The payment of the Council's reasonable legal fees incurred in the course of preparing the deed of variation.

Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services to complete the S106 agreement and to agree any minor amendments to the conditions or the Heads of Terms of the legal agreement.

### REASON

The proposed amendment to the legal agreement would enable a resolution to the outstanding matter of anti-social behaviour in the area. Whilst the approved footpath linking the site to the Honeypot Lane/Whitchurch Lane junction would have been a benefit in terms of provided better pedestrian links between the development and the surrounding area, on balance it is considered that prevention of crime and anti-social behaviour should take precedence in this instance. The proposed railings would be of an acceptable appearance, would not unduly impinge on residential amenity and, subject to the consent of the Environment Agency, would not increase the risk of flooding on the site or elsewhere.

## **INFORMATION**

This application is reported to Planning Committee as it proposes a variation to a S.106 agreement that falls outside of the Scheme of Delegation.

### **Summary**

Statutory Return Type: (E) Largescale Major Dwelling

Council Interest: None

### **Site Description**

- The site comprises the former government offices development site, now known as Stanmore Place, which is in the process of being redeveloped for residential and business use space.
- The north west corner of the site abuts Stanmore Marsh, an area of common land between the development and the residential properties in Bramble Close.
- Within the Marsh is the Edgware Brook and separate drainage channel.

### **Proposal Details**

- This part of Stanmore Marsh benefits from planning permission for a footpath linking the development to the Honeypot Lane/Whitchurch Lane junction (ref P/2824/10).
- A S.106 obligation in the legal agreement for the Stanmore Place development requires this footpath to be completed prior to completion of the final unit in the scheme.
- The proposal seeks to vary this obligation, to instead provide a 2.1 metre high railings along the boundary of the site with Stanmore Marsh, in accordance with detailed plans accompanying the request.

### **Relevant History**

P/2317/06

Redevelopment to provide 798 residential units (including 40.2% affordable housing) 959 sq m class A1/A2/A3/A4/A5/D1 & D2 floorspace; 7927 sq m of class B1(a),(b),(c) floorspace including a business incubator centre; creation of a new access onto Whitchurch Lane; associated flood alleviation, landscaping, car parking and highway works

Allowed on Appeal : 12/11/2007

P/2824/10

Extension of time of planning permission P/2246/06/COU dated 12/11/2007 for 'new pedestrian access route and associated landscape works (as part of the comprehensive development of the former government office and DVLA site)'.  
Granted : 22/03/2011

P/2450/11

Redevelopment to provide 213 flats and 959 sq m of A1/A2/A3/A4/A5/D1/D2 floorspace in four, five and six storey blocks with lower ground floor; associated landscaping and car parking (amendments to phases 7, 8 and 9 of the development approved under planning reference P/2317/06 (allowed on appeal 12/11/2007) comprising additional floors to blocks pn, pq, ps, pt and pu, addition of lower ground floor to block pu, amendments to external appearance and amendments to the size and arrangement of flats resulting in a reduction in the total number of residential units on the site as a whole from 798 to 764)

Granted : 19/03/2012

**Consultations:**

Environment Agency: No concerns from a flood risk point of view. Flood Defence Consent must be applied for.

**APPRAISAL****1) Secured by Design/Pedestrian Environment and Connectivity**

The original S.106 agreement for the site required, amongst other matters that a footpath linking this site through Stanmore Marsh be provided. The approved footpath would have provided a convenient link between the development and the bus stops and shops at the Honeypot Lane/Whitchurch Lane junction. However, the part of Stanmore Marsh between the scheme and Bramble Close has recently been the subject of anti-social behaviour, with youths entering the land through the poorly maintained wire mesh fence that currently encloses the site. Officers from the Council, the Safer Neighbourhoods Team and the applicants have discussed the scope to respond to concerns from the residents of Bramble Close and the Metropolitan Police, who consider that the installation of the footpath could make policing of the area more difficult.

The benefits of the footpath are acknowledged, however in this instance it is clearly preferable to ensure that the scope for anti-social behaviour is reduced. Part of the proposed solution is to provide a more resilient means of enclosure, in the form of the proposed metal railings, to ensure that people are unable to enter the land adjacent to the Brook from within the development. This would require a modification to the original legal agreement.

**2) Character and Appearance of the Area and Residential Amenity**

The proposed railings would be of a standard design, similar to other railings used in the area for security purposes. Their height and design would not give rise to any undue impact on the character and appearance of the area or the amenities of adjacent occupiers.

**3) Flood Risk and Drainage**

It is noted that part of the fencing lies within a floodplain and part of it would be within the 5 metre 'no build zone' of the watercourse. Special approval would therefore be required from the Environment Agency to allow this to proceed, but it is considered that this need not delay the variation of the legal agreement.

**4) Equalities and Human Rights**

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

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

## **5) Consultation Responses**

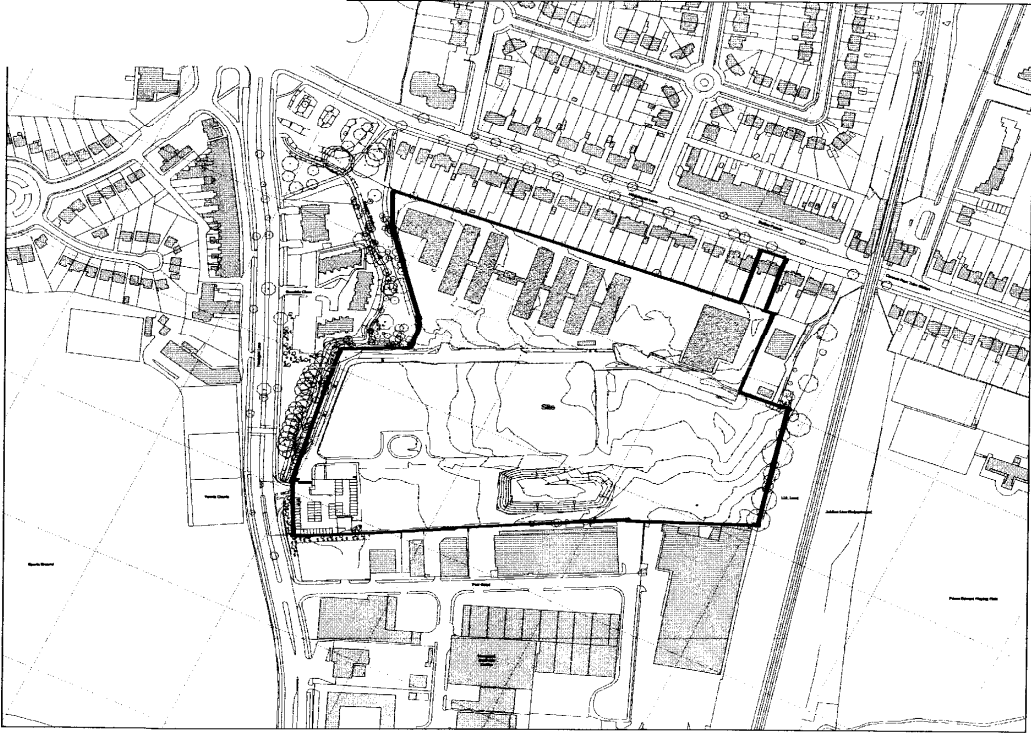
The request to vary the S.106 has not been the subject of any consultation. The need for consultation with parties beyond the applicant and Metropolitan Police is unnecessary. Consultation with the Environment Agency and with local residents will be undertaken in association with the planning application/approval of details application that will follow the variation of the S.106 agreement to fund the works.

## **CONCLUSION**

In summary, the proposed amendment to the legal agreement would enable a resolution to the outstanding matter of anti-social behaviour in the area. Whilst the approved footpath linking the site to the Honeypot Lane/Whitchurch Lane junction would have been a benefit in terms of provided better pedestrian links between the development and the surrounding area, on balance it is considered that prevention of crime and anti-social behaviour should take precedence in this instance. The proposed railings would be of an acceptable appearance, would not unduly impinge on residential amenity and, subject to the consent of the Environment Agency, would not increase the risk of flooding on the site or elsewhere.

Plan Nos: D1575 Honeypot Lane, Stanmore – Phase 3 Boundary Fence; VB 1 – Barkers Fencing

FORMER GOVERNMENT OFFICES, HONEYPOT LANE, STANMORE



Item No. 1/02

Address: VAUGHAN PRIMARY SCHOOL, VAUGHAN ROAD, HARROW

Reference: P/2515/12

Description: RE-DEVELOPMENT OF SCHOOL SITE OVER A SERIES OF CONSTRUCTION PHASES; INVOLVING CONSTRUCTION OF A NEW TWO-STOREY BUILDING; REMODELLING OF EXISTING SINGLE STOREY BUILDING; DEMOLITION OF EXISTING STRUCTURES; ASSOCIATED LANDSCAPING TO INCLUDE HARD AND SOFT PLAY AREAS; BOUNDARY TREATMENT; ALTERATION TO CAR PARKING LAYOUT; PROVISION OF CYCLE STORAGE AND REFUSE STORE (TO EXPAND EXISTING 2 FORM ENTRY PRIMARY SCHOOL AND TO PROVIDE 3 FORM ENTRY PRIMARY SCHOOL).

Ward: WEST HARROW

Applicant: HARROW COUNCIL

Agent: LOM

Case Officer: NICOLA RANKIN

Expiry Date: 14<sup>TH</sup> 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 Vaughan Primary School, Vaughan Road, West Harrow, HA1 4EL.

## **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 the 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. Whilst involving development on designated open space the development of the existing playing field is considered an acceptable departure from the development plan because the proposal is considered to make suitable re-provision of new external space within the site that would meet the needs of the school and provide for a range of activities

including use for team sports. Whilst involving development in Flood Zone 3b, the proposals are accompanied by a flood risk assessment which demonstrates that subject to appropriate mitigation, the proposals will not increase flood risks on or off the site. The proposal to provide new educational facilities of community benefit are considered to meet the requirements of the Exception Test in accordance with the NPPF (2012).

The design, siting and appearance of the development is considered to meet the requirements for good design contained within the adopted development plan and the NPPF (2012).

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. Whilst likely to give rise to localised, short term congestion in the vicinity of the site, the impact on traffic safety and the amenities of those living in the locality arising from the additional congestion is considered to be justified by the improved capacity and quality of educational facilities within the locality to which the NPPF (2012) provides significant weight. Outside of the peak times, 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.

Notwithstanding the significant body of representations received against the proposals the development is considered, on balance, to amount to a sustainable development as defined by the NPPF (2012) for which the presumption is in favour of approval.

## **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 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 intend to carry out the development on the land at Vaughan Primary School, Vaughan Road, West Harrow, HA1 4EL.

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:** 2646sqm

**Net additional Floorspace:** 337sqm

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** £0: The Mayor of London's 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

- The application relates to a primary school accessed from the southern side of the junction of The Gardens and Blenheim Road, located within West Harrow.
- The school site covers an area of approximately 1.4 hectares.
- The site is solely occupied for educational purposes by Vaughan Primary School.
- The site is embedded within an area primarily comprised of residential housing with modest scale commercial uses (including a car repair garage and shops) clustered around the site entrance at the junction of The Gardens and Blenheim Road.
- The Vaughan school site is entirely enclosed and has no public frontage beyond the main school gate entrance at The Gardens.
- The residential gardens of the predominantly semi-detached properties of Dorchester Avenue adjoin the western boundary of the site. To the north west of the site are the rear gardens of the properties of 127 to 135 Blenheim Road. Adjacent to this is a car workshop and garage.
- The eastern boundary of the site adjoins the rear gardens of the residential properties situated along the western side of The Gardens.
- The south western boundary of the site adjoins the West Harrow allotments.
- West Harrow London Underground tube station is located along The Gardens and rail tracks run adjacent to the south eastern boundary of the site.
- There are two points of access to the school. The main access for both pedestrians and vehicles is from The Gardens which consists of a narrow driveway and adjacent public footpath. There is a further pedestrian entrance accessed from a footpath to the northern side of West Harrow Station.
- The existing school is comprised of three distinct parts which include the “infant school,” the “junior school” and the “administration area and hall.”
- The “infant school” is contained within a single storey 1980s building which is centrally located within the site while the “junior school” is located in a two storey building towards the southern boundary of the site. The administration and hall block is linked to the infant and junior school. There is also a separate single storey mobile structure adjacent to the south eastern side of the administration/hall block which is used as a music room.
- The boundaries of the site are mixed, being occupied by a mix of mature trees and vegetation and more formal “open” type fencing structures (including chain link and concrete post fences. The density of vegetation varies considerably and is greater towards the southern, south eastern and south western boundaries of the site. Other parts of the site, notably towards the North Eastern corner, are more open with clearer views into gardens. None of the trees within the site or along the boundaries are subject to a Tree Preservation Order.
- The school has two existing hard outdoor play spaces. A smaller hard play spaces is located adjacent to the western side of the existing infant school. The main outdoor hard play and games area is located adjacent to the southern and south east boundary of the site.
- The school also has two soft outdoor playing areas, including a playing field which is located to the northern side of the site and a small grassed area in the south eastern corner of the site.
- Both the playing field and the small grassed area of land in the south eastern corner of the site together with the area of land to the west of the school buildings and a small strip of land adjacent to the southern boundary of the site is allocated as designated open space as identified in the Harrow Core Strategy (2012). The designated open space covers an area of 6810m<sup>2</sup>.
- The entire site lies within flood zone 3b (functional floodplain) as identified in the



Harrow Strategic Flood Risk Assessment (2011). The highest point of the site is located towards the south eastern corner with the lowest point of the site located approximately 70 metres from the northern boundary of the site. There are no significant falls across the site with the ground gently sloping towards the low point from all directions.

### **Proposal Details**

- The proposal is for the re-development/reconfiguration of the entire school site over a series of construction phases to provide a new two storey building; remodelling of existing single storey building; demolition of existing structures together with associated landscaping to include hard and soft play areas; boundary treatment; alteration to car parking layout; provision of cycle storage and refuse store. To facilitate the development, it is also proposed to divert the culverted watercourse [Smarts Brook] from its existing alignment across the playing field in the north eastern corner of the site. This is the subject of a separate application for Land Drainage Consent.
- 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 proposed new two storey junior block would be sited towards the northern end of the site on the existing school playing field. It would have a footprint of 1196m<sup>2</sup> and an overall gross internal area of 2016m<sup>2</sup>.
- The irregular shaped two storey junior block would be comprised of a series of blocks and subservient linking elements. The ground floor would consist of 6 classrooms, hall space together with ancillary storage office and WC and kitchen facilities. The first floor would include a further six classrooms, further group teaching spaces a staff room and further ancillary storage and office space. The blocks would be elevated between 8.3m and 8.92m above existing ground level in response to the conclusions of the Flood Risk Assessment.
- The hall would face towards the eastern boundary of the site while the classrooms blocks of the junior school would be oriented towards the western and southern sides of the site.
- The western elevation of the building would have a total width of 44.7 metres with the western teaching block making up 24.5 metres of this distance. The eastern elevation of the building would span a distance of approximately 46.25 metres, while the southern elevation would have a width of 40.7 metres.
- The building would have a flat roof with differing heights; with the main teaching blocks being linked by subservient components. The hall and the western and southern classroom blocks would have a maximum height of 8.92 metres while the linking elements of the building would have a height of 8.3 metres.
- The proposed finish for the hall is brick and the classroom blocks would be a light coloured render whilst the linking circulation and ancillary elements would be finished in an untreated cedar cladding.
- Rooflights and photovoltaic panels would be installed on the proposed new junior block.
- A new covered canopy link would be provided between the infant block and the proposed junior block.
- The existing infant block building would be retained by remodelled with minor alterations.
- The internal space of the infant block would be remodelled to provide 9 teaching

classrooms and a further classroom space for the nursery together with ancillary storage space and WCs.

- Four external canopies would be provided adjacent to the eastern elevation of the building for reception classes. A further small canopy and toilet block and sick bay area would be added to the southern side of the building. This addition would have a maximum depth of 8 metres and a maximum width of 16.3 metres.
- The existing roof finish would be replaced and part of the southern and northern elevations of the building would be finished in vertical untreated timber cladding.
- The whole site would be re-landscaped to provide new hard and soft play spaces. The space gained by demolishing the existing junior school and hall buildings would provide a Multi Use Games Area (MUGA), a football court, a hard play area and a soft play space.
- A junior hard play space would be provided adjacent to the western boundary of the site where there is currently an existing hard play area. A further reception and nursery hard play space would be provided adjacent to the eastern flank wall of the infant block.
- It is proposed to retain and enhance the existing soft landscaping to the boundaries of the site to provide a natural landscape buffer around the school site.
- The boundary treatment along the eastern and western boundaries of the site would be retained. A new 2 metre high steel mesh/timber fence is proposed along the northern and north western boundaries of the site. This boundary treatment would also be used to separate the play space from the eastern car park area.
- A new 1.8 metre high chain link fence and 1.2 metre high timber palisade fence would be constructed around the proposed Multi Use Games Area and southern hard play spaces.
- There is no proposed change to the site access for both vehicles and pedestrians.
- The existing parking area would be remodelled to provide a total of 35 car parking spaces. 14 standard size spaces (including 2 disabled bays) would be provided adjacent to the northern boundary of the site while a further 21 standard size spaces would be provided adjacent to the eastern boundary.
- A cycle storage area for 20 cycles is proposed just off the main pedestrian path and vehicle entrance driveway to the site.
- A refuse and recycling store would be provided in the northern car park area.
- The proposed new building would be constructed to BREAAAM 'Very Good' rating.

### **Relevant History**

LBH/20092/W Single storey nursery building  
Granted 10/9/81

LBH/24771 - Application under reg.4. of town & country planning general regulations 1976: 3 metre high fence on part boundary adjoining Dorchester Avenue  
Granted 24/01/84

LBH/41436 Application under reg.4 town & country planning general regulations 1976:erection of single storey extension to provide additional classrooms & ancillary facilities with additional parking  
Granted 8/11/90

LBH/42395 application under regulation 4 of town and country planning general regulations 1976: laying out of temporary car park  
Granted 21/3/91

WEST/7/95/LA3 single storey mobile classroom with ramp facility and bin store  
Granted 31/1/95

P/1523/09 single storey extensions within the school compound and new play areas to the north of the first school; new hardsurfaced area to provide parking adjacent to boundaries shared with 19-37 (odd) the gardens and a waiting area to the north of the first school and external alterations  
Granted 10/09/09

P/1280/10 replacement windows to existing parents' rooms; new doors and windows to existing staff room and staff work room.  
Granted 16/07/2010

### **Pre-Application Advice (Summary)**

- The site lies within flood zone 3b as identified within the Harrow Strategic Flood Risk Assessment. A robust FRA would be required as part of the application and is critical to the acceptability of the proposal. The FRA will be required to demonstrate how flood risk from all sources of flooding to the development itself and flood risk to others will be managed now, and taking climate change into account. The Harrow strategic flood risk assessment should inform the FRA
- The proposed layout of the site should retain cohesion between the infant and junior block. The siting of the proposed sports pitches and play areas away from residential properties is welcomed in terms of noise mitigation. Although the buildings are largely obscured from the public realm, 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.
- 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). 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.
- To avoid perceptions of overlooking to neighbouring properties along the north western boundary careful consideration will need to be given to the treatment of the upper floor windows. Further landscape screening will be required along the north western boundaries of the site.
- 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. Classroom blocks should be articulated in a refined and simple way, with simple geometry, clean detailing and well judged proportions.
- 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 Design and Access Statement (Summary)**

- There are number of existing accommodation issues with the school. There is a major issue with the existing school access and maintaining access to the school

site due to the current location of the admin office which is at the centre of the school with no direct opportunities for surveillance.

- The hall and nursery are located in a linked series of buildings which are in a poor state of repair. The school hall is configured of three separate spaces and is not suitable for the schools needs.
- The configuration of spaces within the infant school is poor. Both the junior school block and halls are CLASP buildings in a poor state of repair, are in poor condition and are poorly configured.
- One of the key considerations was the facilitation of the continued operation of the school during construction without decant into temporary accommodation. Temporary accommodation on this scale is considered to be costly and not seen as representing good value for money which could be spent on a better solution for the school.
- It is considered that the current proposed solution offers a number of benefits for the school. The proposal would result in reduced build phases to minimise construction costs and reduce time on site. It would allow for decant to be undertaken within new build block and to remove the need for temporary accommodation. The school would be brought up to BB99 minimum guidance area for a 3 form entry primary school and would consolidate the infant and junior schools in two separate buildings. The proposal would result in the provision of a new hall space and central shared facilities suitable for a primary school.
- The construction of the new build on the playing field would allow the school to retain a hard and soft play area for sports and break times during construction.
- The proposed design and location of the new building also results in the best final organisation of the school and retains cohesion and close proximity between the infant and junior schools and shared facilities and provides security arrangements which allows much better management and safeguarding issues.
- Every effort has been made to minimise the impact on the neighbours in the siting of the proposed building and we have located the building as far from the neighbouring properties as possible given the site constraints. We have attempted to exceed good practice urban design principles to negate both issues of overshadowing and overlooking. Consideration is being given to obscure some of the windows to address the perception of overlooking. We have also included landscape proposals for the treatment of the western boundary of the site to provide additional screening to neighbouring properties.
- 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. The layout and proportion of teaching spaces has been driven by natural ventilation and daylight requirements as part of a passive approach.
- Creating an improved external education play space was at the heart of the design concept and is fundamental to creating an effective school environment for the enlarged school. The field on which the new building is being created is being replaced at the southern end of the site. The space gained by demolishing the existing Junior School and hall buildings will be re-landscaped to provide much improved play and sports space for the school.
- We have submitted a Flood Risk Assessment with the application which demonstrates that the development does not exacerbate the risk of flooding on or off the site. In order to mitigate any flood impact the building has been raised 310mm above the worst case flood level to avoid damage to the proposed building and an area equivalent to the buildings footprint will be lowered to the same site

level as the existing field that the new building sits on. An area of flood compensation storage will be provided to the south of the site. It should also be noted that there is a net reduction in building footprint when compared to the current school buildings.

- ∨ Travel Plan, school opening times and lettings policy
- ∨ Frameworks Contractors Statement
- ∨ Arboricultural Report
- ∨ Acoustic Report
- ∨ School Activity Noise Assessment
- ∨ Ecological Report
- ∨ BB99 Assessment
- ∨ Daylight/sunlight report
- ∨ BREAM pre- assessment
- ∨ Flood Risk Assessment

### **Consultations:**

#### **Note:**

Consultation on this planning application has taken place in two phases. This is because following the launch of the initial period of consultation on 2<sup>nd</sup> January 2013 January, the Councils web site displaying the documentation was not performing acceptably. In addition, from the representations received at that time, there were a number of concerns that were highlighted relating to the consistency and extent of the information provided by the applicant as part of the application. As a result, that consultation exercise was suspended, and consultation in full, was restarted on 13th February 2013.

**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 existing travel plan is monitored closely by the Council and, as can be seen, has achieved a measured level of success in modal shift toward sustainable travel. The expansion of the school will be encompassed within this regime and yearly monitoring will continue to ensure conformity with the established travel plan aims.

The principle tool for mitigating against the traffic impacts is most likely through behaviour change. The current school travel plan is a voluntary travel plan. If this were revised to include more stringent measures including further encouragement of cycling, variation of school start times together with initiatives such as breakfast clubs, and if it was a condition of the planning application, then it is likely that travel behaviour can be positively influenced.

**Drainage Engineer:** The FRA demonstrates that the development is safe in flood risk terms and does not increase flood risk off-site. Areas of flood compensation are being provided on site in advance of construction at a level equal to that lost by the new building. It should also be noted that existing buildings are being demolished on site, therefore increasing flood storage and improving the current situation. The redevelopment of the site also provides the opportunity to improve the surface water drainage regime at the site to try to replicate (as far as practicable) the natural drainage regime for the site.

### **Environment Agency: Initial comments (received on 1st March 2013)**

This development falls within our Flood Zone 1. Our flood zones are based on modelled data for flooding associated with main rivers. It also falls within your Flood Zone 3b, as defined by your Strategic Flood Risk Assessment (SFRA). The Harrow SFRA takes account of all sources of flooding, including surface water and other watercourses. Your 3b designation is divided into 'Developed' and 'Undeveloped'. This particular development falls within your Developed 3b. Paragraph 4.17 in your draft Development Management Policies DPD states that areas within your Developed 3b will be treated as high probability flood risk areas.

In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to the grant of planning permission and recommend refusal on this basis. Although you may have your own requirements regarding the FRA our concerns are specifically related to surface water drainage.

The applicant has not demonstrated that sustainable drainage systems (SuDS) will be used on site. This is contrary to paragraph 103 of the National Planning Policy Framework, your draft Development Management policies 17 and 28 and policies 5.3, 5.11 and 7.19 of the London Plan.

The applicant must demonstrate within the revised FRA that the use of SuDS has been given priority over the more traditional pipe and tank systems. Justification must be provided if this is not possible.

Following the above comments a revised Flood Risk Assessment was submitted to the Local Planning Authority on the 15<sup>th</sup> March 2013 and this was uploaded to the Councils web page on 21<sup>st</sup> March 2013.

**Environment Agency: Further Comments (received on 22nd March 2013)**

Thank you for your email accepting the amended Flood Risk Assessment as part of this application. We are now able to remove our objection.

Please ensure the following conditions are included on any planning permission granted.

**Condition 1**

Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (MLM, revision 5, 15 March 2013), has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include a restriction in run-off and surface water storage on site as outlined in the Flood Risk Assessment.

**Condition 2**

The residual risk of flooding due to the failure of the pumps shall be investigated with a back up pump included that will automatically (without human interference) turn on in the event of the first pump failing.

The flood level shall be determined under the following conditions:

- The pumps were to fail and,
- The attenuation storage was full and,
- A design storm occurred.

The floor levels of the affected development shall be raised above this level and all flooding safely stored onsite.

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

**Sport England:** Whilst the site contains a small area of grass used for recreational football for the schools own purpose, the site is not considered to form part of, or constitute a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184), therefore Sport England has considered this a non-statutory consultation.

As the proposal does not have any impact on existing community sport facilities or formally defined playing field, Sport England has no comments to make.

**Landscape Architect:** The proposed boundary screening to the north west of the site, (the native and wildlife and the enhanced screen planting) consists of both evergreen and deciduous shrubs that over time would provide a hedge to filter and soften the views of the proposed development, growing behind the existing line of trees along the fence line. Additional new tree planting is also proposed to infill gaps in front of the line of existing trees, in front of the west elevation, to filter the views at a higher level.

The proposed enhanced screen planting comprises of 3 rows of very dense planting. The Carpinus (Hornbeam) would be larger stock, one third of the hedge planting at a height of 1.5 - 1.7 metres high at time of planting and these trees (being used as hedgerow plants) although deciduous, retain their leaves during the winter. The holly and privet within the proposed hedge are evergreen and these over time, would contribute to an all year round screen at lower levels, with the trees filtering the views above. The proposed Guelder Rose and Dogwood are deciduous and would filter the views of the building, particularly during the growing season, but would provide colourful stems, flowers and autumn colour. 9 plants / m<sup>2</sup> are proposed, which over time would form a very dense hedge. The native and wildlife - beneficial screen planting would also, over time filter views and the evergreen species, holly and privet, provide screening under the tree line. It should be noted that all the plants in the proposed hedgerows would enhance the biodiversity.

The proposed future management and maintenance of the screen planting would be very important and this should be conditioned. The ultimate height that the hedge is to be maintained at should be agreed and included in the management plan.

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

**Biodiversity Officer:** Given the age, perceived condition, location and protected species previously noted in the locality by Greenspace Information For Greater London, there is a negligible - low likelihood that the buildings on site harbouring bats (a European Protected Species).

There are a number of trees and shrubs on site and there is a low to moderate chance that breeding birds might be present (protected species under the Wildlife and Countryside Act 1981). Should active nests, eggs or fledglings be found no works

should be undertaken in the immediate vicinity.

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. As stag beetles have been reported in the locality - timber from suitable trees subject to removal as part of the works should be employed to build loggeries below trees that are to remain - deadwood is a Harrow BAP habitat.

**Crime Prevention Design Adviser:** I have met with the developer and have made recommendations in relation to Secured by Design. I would recommend applying the Community Safety Secured by Design Condition to ensure that developers are able to demonstrate how they intend to meet the specific security needs of their developments and minimise the risk of crime.

### **Advertisement**

Press advert: Major Development Expiry: Expiry : 21<sup>st</sup> March 2013  
Departure from Development Plan

Site Notices x10: Major Development Expiry: 15<sup>th</sup> March 2013  
Departure from Development Plan

### **Neighbour Notifications**

Sent: 399

Objections: 300 including one petition of objection which with 176 signatures

Supports: 3

Expiry: 13.03.2013

### **Addresses Consulted**

- 74 to 136 (even) Blenheim Road
- 73 to 137 (odd) Blenheim Road
- 2 to 60 (even) The Gardens
- 1 to 51 (odd) The Gardens
- 4 to 44 (even) Dorchester Avenue
- 1 to 75 (odd) Dorchester Avenue
- 2 to 60 (even) Grosvenor Avenue
- 1 to 55 (odd) Grosvenor Avenue
- 2 to 20 (even) Beaumont Avenue
- 1 to 19 (odd) Beaumont Avenue
- 84 to 106 (even) Argyle Road
- 2 to 32 (even) Bladon Gardens
- 1 to 33 (odd) Bladon Gardens
- Flats 10-13 Bladon Gardens
- Flats 14 to 17 Bladon gardens
- 2 to 26 (even) North Avenue
- 1 to 13 (odd) North Avenue
- 2 to 16 (even) Sandhurst Avenue
- 1 to 15 (odd) Sandhurst Avenue
- 47 a, Longley Road
- 146a Pinner Road



- 44 Oxford Road
- Substation rear of builders yard
- Open Space Fronting 2 to 30 The Gardens
- Open Space fronting 1 to 29 The Gardens
- West Harrow Garage, Blenheim Road
- West Harrow Underground Station, The Gardens
- Builders Yard Adjacent to 2 The Gardens

### **Summary of Responses**

The comments of the 14 page petition are summarised as follows:

“We oppose the proposed building development plans to expand the capacity of Vaughan School by an additional 50% pupils for the following reasons:

- Significant increase in traffic as more parents will be dropping off and collecting their children from school from a wider catchments area.
- Insufficient parking provision at the school for teachers and visitors which will place additional burden on local parking facilities.
- Building on the school playing field and only providing marginally more play/sports space than already available without providing an extra space for the increased number of children, an extra 210 pupils.
- Additional noise and disruption in the vicinity due to increased numbers.”

The letters of objection are summarised as follows:

### **Impact on Highway network and Safety**

- There will be a reduction in parking spaces despite the number of extra teachers which will cause major parking problems in our local roads
- The school catchment area will at least double, bringing considerable extra traffic to the local area.
- Despite the extra traffic the Council have not undertaken a Traffic Impact Assessment.
- To try to reduce the amount of traffic during school run time, the Council are adding more bike spaces to encourage cycling – this is despite the school itself saying that they do not have a cycling policy as the roads are too dangerous.
- The traffic around Blenheim Road and the Gardens is already very busy, so any additional children with parents and vehicles will only make matters worse.
- The immediate neighbouring roads surrounding Vaughan School are already burdened by parking restrictions and traffic in the area is a danger to children crossing the road safely. Further expansion will provide more tension and will have a major impact on the safety and security of individuals and property.
- Safety of the school is a priority – cycle rack are being proposed despite the schools travel plan saying that cycling in the area is dangerous.
- The Design and Access Statement ignores that there are unmarked car parking spaces in an attempt to make it look like there is an increase in parking spaces.
- There is clearly an acknowledgement in the Design and Access Statement that the School entrance is dangerous.
- The proposal will affect the availability for the residents to park.
- There will not be enough parking for the additional teachers.
- There are no suitable places to cross the road for children.
- The increase in school children attending would be from outside the catchment and this would result in an increase of pupils coming to the site by car.

- There are already instances of cars blocking resident's drives and stopping in dangerous places and this is likely to get worse.
- There is a garage next the school entrance. Customers dropping their cars and the increase in pedestrian footfall is likely to result in an increased risk of traffic accidents.

### **Impact on Character and Appearance**

- The proposal would result in an overdevelopment of the site and is too big for the space.
- There will be a loss of architectural character in the West Harrow Area.
- The building will be extremely obtrusive and not in keeping with the surrounding area.
- The building would be unattractive.

### **Impact on the Floodplain**

- The new school building is being built on a flood plain which could increase the risk of flooding to a large number of homes, a risk that is likely to increase in the coming years due to climate change.
- The adjacent railway and allotments could also be affected by flooding.
- To help alleviate flooding 1200m<sup>2</sup> of the new schools playground is being lowered which will cause the playground and the car park to flood.
- A large sum of money is being spent on re-directing an underground stream that currently runs across the school field and to provide huge underground water storage tanks and a pump because of poor drainage in the school grounds.
- Insufficient justification in support of development in a high risk site which has been emphasised by alternative parking arrangements should the site become flooded.
- How can the Council approve a development where it knows the car park and MUGA will flood as the area already suffers from severe flooding and will get substantially worse.
- There is no guarantee that the diverted culvert and pumps will work.

### **Impact on Open Space**

- There is a minimal increase in overall outdoor play area despite the increased numbers and a considerable amount of this will flood.
- The school playing field is designated as Open Space, yet the Council are still going to build on it against the Council's Core Strategy.
- A small play area is being proposed which would not be big enough for all the extra pupils.
- The playing field is being replaced with tarmac/MUGA which is unacceptable.
- There will be 10% loss of play space to accommodate a rise of 50% of pupils.

### **Impact on Residential Amenity**

- Six of the new classrooms will directly overlook neighbouring properties not only invading their privacy but meaning that they will also be able to look directly into classrooms.
- There will be a considerable increase in noise for neighbouring properties.
- The proposal will result in overcrowding of the area and will downgrade the neighbourhood.
- The proposed expansion will have a detrimental impact on the quality of life of the residents and the local community.

- The 1.4 hectare site is large enough to consider planning further away from short neighbouring gardens.
- The proposal will result in a loss of natural daylight to neighbouring properties and gardens.
- The level of noise and air quality will have a direct impact on us not only during the construction which we will have to put up with for the next two years.
- The proposal will generate more waste and scattered garbage in the local streets.
- The proposal will result in an increase in noise pollution in the area.
- Building on the school playing field will result in a loss of views for the surrounding neighbouring residents which would be unacceptable.
- The proposal would be overbearing on the neighbouring residential properties.

### **Other Issues**

- How deep will the foundations need to be for the new build block? What sort of effect will this have on the foundations concerning the railway?
- The size of the new classroom will be below school building guidelines.
- The increase in school children attending would be from outside the catchment.
- The population of Harrow has remained the same over the last 2 decades so I do not consider the additional space is needed.
- The Council have previously closed a number of schools across the borough. This is short sited.
- The proposed new classrooms would be below the guidance size set out in the Government Guidelines (BB99).
- The consultation on the application has been insufficient.
- The movement of heavy plant and machinery around the site would be extremely dangerous on a site occupied by children.
- Use of temporary accommodation could be situated on the field while the primary school is demolished.
- According to the title deeds of the school the allotments and the school are all registered under one title and it would be possible to build on this land.
- The building works will be disruptive to the education and health of the children.

The 3 letters received in support of the application are summarised as follows:

- There are structural and logistical issues with regard to the introduction of a 3 form entry primary school and the only way to realistically cope with this is a new build.
- Urgent improvements are needed to the school to support the teaching of the local community's children.
- The proposed build is the most effective solution in terms of facilities which will be available and most importantly it will be the least disruptive to children's education.
- Vaughan is a vibrant community school that should be supported to grow and expand in order that it can support more of our young people.
- West Harrow is a popular community with young families without the expansion Vaughan will not have the capacity to meet the demand.
- The existing school is not fit for purpose even without the expansion.
- West Harrow is a popular and wonderful place for families, which needs to be supported by a local school that can cope with the local demand.
- Vaughan is a lovely community school with a great history. An expanded school will benefit the community in many different ways and more children will benefit from a new school with excellent facilities.
- House prices in the locality are likely to increase due to the desirability of the school.

## **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.

Notwithstanding the claim regarding Harrows population made in one of the representations received, 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 Council education 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 should 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 considered against the saved policies in the Harrow Unitary Development Plan (2004), 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 have also been considered.

These documents have 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 heard by the Secretary of State at an 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.

## **MAIN CONSIDERATIONS**

- 1) Principle of the Development
- 2) Character and Appearance of the Area
- 3) Residential Amenity
- 4) Traffic and Parking
- 5) Open Space
- 6) Development and Flood Risk
- 7) Accessibility
- 8) Equalities impact
- 9) Sustainability
- 10) Trees and Development and Biodiversity
- 11) S17 Crime & Disorder Act
- 12) Consultation Responses

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

In this instance there are three specific matters that go to the principle of development on the site:

- 1 - Educational Need

The National Planning Policy Framework outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. It emphasises

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

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

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.” Policy 3.18 of The London Plan (2011) seeks to ensure inter alia that development proposals which enhance education and skills provision are supported.

Saved UDP policy C7, indicates 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. With the exception of the infant block, 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 this results in a poor layout of the external and internal spaces. Against the backdrop of existing provision, the proposed development will result in a significant improvement in the quality of the physical facilities on the site. The development will be constructed for educational use and notwithstanding the comments received about classroom sizes, is considered to be fit for its purpose (from a planning perspective). Furthermore, Harrow has a clear, demonstrable need to create more primary school places to meet a growing demand for educational space identified in the development plan.

- 2. - Development within Floodplain

The NPPF (2012) emphasises that... *“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest flood risk, but where development is necessary, making it safe without increasing flood risk elsewhere and local plans should apply a sequential risk based approach to the location of development to avoid flood risk to people and property and manage any residual risk, taking account the impacts of climate change, by applying the Sequential Test and if necessary, applying the Exception Test and furthermore using opportunities offered by the new development to reduce the causes and impacts of flooding”* (paragraph 100).

The Harrow Strategic Flood Risk Assessment (SFRA) shows that the entire site lies within flood zone 3b which forms part of the functional flood plain, defined as having a high probability of flooding. The Harrow SFRA is based upon detailed, local modelling of flood risk. In addition, since the initial Level 1 Harrow SFRA was produced , A Surface Water Management Plan (SWMP) (2012) has also been produced which shows

'critical drainage areas' and uses flood modelling techniques which are more suited to urban areas with an emphasis on using local and historical evidence to assist in predicting flood outcomes.

Core Policy CS 1 U of the Harrow's Core Strategy (2012) includes a commitment to maintain the capacity of the functional floodplain within greenfield sites and seeks opportunities to re-instate the functional floodplain on previously developed sites. However, it recognised that a distinction should be made between greenfield and developed areas of the functional floodplain. As such, for the purposes of applying the National Planning Policy Framework (2012), a distinction will be made between 'previously developed' 3b sites and 'Undeveloped' 3b sites. The Environment Agency has confirmed that they are satisfied with this approach in principle and this policy approach is also included within the Draft Development Management Policies DPD (2012) which officers consider can in such circumstances be assigned weight as a material consideration – given the advanced state of preparation of that document.

In terms of the sequential test, it would not be possible to provide the extended/reconfigured school development in a different remote location with a lower probability of flooding as this would not easily meet the needs of the existing school. A number of local residents have suggested that the allotment site next to the school should be considered as an alternative location but it should be noted that part of this site too falls within Flood Zone 3b and is accordingly, not sequentially preferable for flood risk purposes. As such, in this case, officers consider that the exception test applies, the details of which have been outlined in the Flood Risk Assessment submitted with the application. The following criteria must be satisfied to pass the Exception Test:

- a) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared;
- b) the development must be on developable previously-developed land or, or if its not on previously developed land, that there are no reasonable alternatives sites on developable previously- developed land;
- c) a FRA must demonstrate that the development will be safe without increasing flood risk elsewhere, and where possible will reduce flood risk overall;

In relation to criterion (a) above, the wider sustainability benefit, identified by the applicant is the improved educational and sports facilities that result from the development which meet the growing identified educational need within the London Borough of Harrow. Although the school site is largely enclosed from the public realm, the proposal would also provide a net positive improvement in terms of the quality and environmental performance of the buildings on the site and would result in the removal of time served buildings with poor design and layout. The submitted FRA also suggests that the proposals also provide measures that will contribute to reduced flood risk on the application site (and the adjacent sites), and to the increased resilience of the School to flood events. The "wider sustainability benefits" of the development are disputed amongst some of the representations, reflecting specific impacts from respondents and concerns around information submitted. Based upon officers consideration of the application, and the advice of the Environment Agency and Drainage Team within the Council, officers are however satisfied that overall, and for the purposes of the Exception test, the development would result in wider sustainability benefits that subject to appropriate conditions, would outweigh the flood risk impact in this case.

Taken as a whole, the site is also considered by officers to be 'previously developed' for the purposes of criterion (b) above. Whilst it is recognised that the proposed new build would be constructed on an existing greenfield area, the external areas of the site would be reconfigured so that there would be no net loss of overall open space on the site and there would be no increase in the building footprint within the flood zone. Additional flood storage is also being provided and the proposed surface water drainage strategy attenuates the surface water run-off from the entire site at a rate equivalent to the site's greenfield run-off rate - which is an improvement over the existing situation. In this regard, it is considered that the capacity of the functional flood plan would not be compromised and would not conflict with the aims of the NPPF and would be in accordance with core policy CS1 U of the Harrow Core Strategy (2012).

The Flood Risk Assessment has been referred to the Local Drainage Authority for consideration. The Council's Drainage Engineers have advised that the FRA provides robust technical information which demonstrates to their satisfaction that the proposed development would not expose neighbouring residents or the school to an unacceptable risk of flooding and that the site has the capacity to incorporate sustainable measures for the reduction of flood risk. Officers have no reason to doubt their conclusions.

As the application site is over a hectare in size the Flood Risk Assessment was required to be submitted for consideration by the Environment Agency in respect of surface water drainage matters. Following an initial objection from the Environment Agency (see above), a revised Flood Risk Assessment was received by the Council on the 15<sup>th</sup> March 2013 and posted on the Council's web site on 21<sup>st</sup> March 2013. In response to the initial objection, the applicant provided additional information in respect of sustainable drainage systems (SuDS) that could feasibly be implemented on the site in order to assist in positive flood risk reductions. The additional information provided under paragraph 4.7 of the FRA was considered by the Environment Agency who subsequently removed their objection from the application, subject to appropriate conditions concerning surface water drainage. Subject to the imposition of these conditions on the development, the Environment Agency has advised, that they are satisfied that the proposal would not give rise to an increased risk of flooding on the site or elsewhere.

As such, both the Councils drainage engineers and the Environment Agency are satisfied that the development is considered to be acceptable in flood risk terms, subject to implementation of robust flood mitigation and resilience measures to be implemented on the site. Given these conclusions, officers consider that the development is capable of satisfying criterion 3(c) of the exception test. The detailed requirements and technical information which supports this conclusion assertion and which has been provided within the submitted Flood Risk Assessment is considered in more detail in the subsequent appraisal under section 6 below.

- 3 - Open Space

With regard to open space, the NPPF (2012) advises that existing open space, sports and recreational land, including playing fields, should not be built on unless the development would provide for alternative sports and recreational provision, the needs for which clearly outweigh the loss. Core policy CS1 F of the Harrow Core Strategy outlines that Harrow's open spaces will be managed as an interconnected, multifunctional environmental resource that contributes to biodiversity, adaptation to climate change, and to people's health and well-being. The quantity and quality of



existing open space shall not be eroded by inappropriate uses. It goes on to state that *“The reconfiguration of existing open space may be permitted where qualitative improvements and/or improved access can be secured without reducing the quantity of the open space.”*

Policy 25 of the Draft Development Management Policies states that... *“the reconfiguration of land identified as open space on the Harrow Policies Map will be supported where there would be no net loss of open space.”* If open space is lost it should result in equivalent or better provision in terms of quality, or where the need for and the benefits of the development clearly outweigh the loss.

Saved policy EP47 of the Harrow Unitary Development Plan (2004) outlines that the council will protect and where appropriate enhance the borough’s open spaces, parks and playing fields, regardless of ownership unless the open space is surplus to requirements or suitable alternative provision is made. As such, in assessing proposals for the use of open space, consideration will need to be given to the appropriateness of the use, the quality and the function of the open space on the site and the provision of any alternative open space. With regard to replacement open space, reasoned justification paragraph 4.146 makes clear that due regard must be given to the accessibility, size, usefulness, attractiveness and quality of the space.

The existing school site is entirely enclosed and the use of the surrounding land and open space is predominantly for the use of the school with the exception of annual community events including a summer fair and lettings for various local community groups. Whilst, the community use of the facilities at the site would be encouraged, it is not proposed to alter the arrangements under this current application. As such, the main functional role of the open space is to provide hard and soft play space and outdoor teaching space as well as for sports and team games for the pupils and staff.

A schedule of space is provided in section 5 below – as part of the consideration of the site specific open space issues in detail. Following demolition of the redundant buildings, the footprint of the proposed new buildings (2290m<sup>2</sup>) would be marginally less than the existing footprint of the school buildings (2413m<sup>2</sup>). The car parking areas of the site will change, along with the outdoor and playground spaces within the site. The proposed new two storey junior school would be built on the existing playing field and the area around this building would be landscaped with hard and soft space. New “open” space would be provided towards the southern side of the site in the form of a soft landscaped area, a multi-use games area and a hard play space and sports pitch. The proposed southern sports pitches and hard and soft play space would cover an area of approximately 5560m<sup>2</sup>.

Development Plan policy protects open space in its own right. The application involves development on designated open space. The table in section 5 indicates that whilst the amount of external space on the site does not reduce, the existing areas of “playing field” and hard and soft play are replaced by a smaller, if better specified, area for hard and soft play following the development.

Development plan policies support delivery of a range of development outcomes which may, as in this case, be in conflict with this specific purpose. In considering the specific policy impact of the proposed development, there is therefore a need to balance these potentially competing policy objectives against one another – alongside an understanding of the harm that setting aside the policy may create, having regard to the

specific interests of the policy, and the wider policy objectives contained in the development plan and NPPF.

Whilst it is recognised that the types of open space on site would alter, and indeed the location of the principle areas of open space will change, the key considerations in this case with regard to harm to open space policy, are considered to be whether the proposal would have a detrimental impact on the amenity, development and function of “open space” within the site and its use by the school for education purposes. In addition, the impacts upon the visual amenities provided by the space to residents of surrounding properties are also considered to be material.

Officers consider that the fundamental functional value of the designated open space in supporting the educational use of the site would not be compromised by the new development - subject to the implementation in full of the proposed new facilities detailed. Clearly, for residents surrounding the site, the loss of the “open” character of parts of the site – through buildings, new boundary screening and landscaping, will dramatically change the qualities and character of the designated opens space as experienced by different residents across the site. The representations make clear that some residents strongly believe that the loss of open space will give rise to a significant loss of amenity. Other residents will experience changes that may be less pronounced – from the demolition of existing buildings and re-provision of open space which may be more positive. Given the need to balance the differing policy interests, it will be for the committee to reach a conclusion on whether the impact upon the amenities overall arising from the development on the designated open space is outweighed by the policy objectives relating to the need for new educational facilities on the site. Officers are of the view that the loss of amenity to some residents can be justified by the wider educational benefit.

In summary, the principle of re-development and expansion of the existing educational facilities, following the careful balancing of policy interests, is considered by officers to be acceptable. 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. The loss of the playing field as designated open space on the site would not unduly compromise the development and function of the school and would be re configured to provide improved hard and soft play space towards the south of the school site with no overall loss of external space. The harm to the amenities of some surrounding residents from the loss of open space is capable of being outweighed by the fulfilment of other development plan policy objectives. Despite its location, the responses from the Environment Agency and Council Drainage Team to the Flood Risk Assessment allow officers to conclude that the requirements of the Exception Test can be satisfied and that the development would not give rise to an increased flood risk on or off site in line with the requirements of the NPPF (2012). Officers consider that the re-development proposed is accordingly acceptable in principle and would comply with the national Planning Policy Framework (2012) core policy CS1 of the Harrow Core Strategy, policy 3.18, 5.3, 5.11 and 7.19 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 surroundings, and should have a satisfactory relationship with adjoining buildings and spaces.

#### Relationship with adjacent properties and the local area

As outlined previously, the Vaughan school site is entirely enclosed and as such has no public frontage. The site is accessed via a long narrow driveway from the main entrance gates in The Gardens. The eastern corner of the proposed new two storey building would be sited some 57 metres from this entrance and as such the visibility of the structure would be extremely limited from this public vantage point. Therefore, the proposal would have a very limited impact on the character and appearance of the surrounding area from public viewing points. The existing infant block which is located centrally in the site would be retained and remodelled with minor alterations described above and this would be linked to the proposed new two storey junior school building. This would provide cohesion and close proximity between the two buildings and shared facilities. The sports pitches and play spaces would be reconfigured towards the southern end of the site, adjacent to the West Harrow allotments. It is considered that the overall arrangement of the re-developed site would result in an improved layout with clearly defined spaces within the site.

The primary relationship of the proposed new development is with the rear elevations and gardens of the surrounding residential properties and the proposed new two storey building to the north of the site, particularly in relation to the properties along the eastern side of Dorchester Avenue (No's 1-19) and on the southern side of Blenheim Road (No's 121 – 135). The surrounding residential properties are predominately two storey semi-detached dwellings. The applicants have claimed within their Design and Access statement that the siting of the building in this location has been determined by a number of considerations, including consideration of the impact on the surrounding neighbouring properties as well as responding to noise levels to classrooms from the adjacent West Harrow garage to the north of the site. This has resulted in classrooms being located to the west and southern parts of the building. The applicants also indicate within their Design and Access Statement that the layout has been informed by government guidance outlined in BB99 (Guidance for Primary School Design) as well as sustainable design principles in order to provide good sized teaching spaces and in order to optimise the sustainability efficiency of the building.

It is acknowledged that the surrounding residential properties adjacent to the north western boundary have relatively short rear gardens. In the majority of cases, the

existing boundary at the moment, whilst occupied by some mature trees is relatively open in terms of vegetation giving clear views across the playing field. The western elevation of the proposed building, containing the teaching block, would be sited between 28.8 and 30.2 metres from the main rear walls of the residential properties in Dorchester Avenue. The western teaching block would be sited between 33 and 28.5 metres from their rear facades. The proposed 2 storey building is to be constructed on an elevated plinth (some 1200mm above ground levels) to address the recommendations of the FRA. With regard to the residential properties along Blenheim Road, the northern elevation of the proposed new two storey building would be sited between 31 and 34 metres from the main rear façades of these properties.

A number of properties in Dorchester Avenue have relatively short (some 14 to 15m) rear gardens. The proposals have understandably prompted strong views from those residents most affected by the siting of the building – many of whom will experience a significant change in outlook – exacerbated by the currently open character of the boundaries. A graphical representation of one residents view has been submitted as part of their representations against the application. Wider concerns expressed by neighbouring properties also reference the loss of view arising from the proposal.

For those properties with shorter gardens and open boundaries located on Dorchester Avenue there will be a significant change in their perception of the character and appearance of the site. The building, and the proposed landscaping on the boundaries will change the outlook from an “open” aspect to a more enclosed and developed perspective. The overall separation between the main elevations of the houses and proposed classroom is nevertheless considered to be consistent with spacing and separation that is typical of many suburban areas across Harrow. The siting and size of the proposed classrooms are not considered to be overly dominant (see Section 3 below), or at odds with the wider character and relationships between buildings that might be found within this suburban location.

The suburban character of the surrounding area does include a mix of “open” and enclosed gardens and streets that mix residential and commercial uses. Notwithstanding these conclusions, it is considered that further landscape screening would be required as mitigation in order to reduce the impact of the building on residential amenity (see below) as well as to safeguard the character and appearance of the site. Having regard to the above factors, including existing site constraints and subject to appropriate landscape screening, it is considered that the siting, mass and scale of the proposed two storey junior school building would provide an acceptable relationship with the adjacent residential properties along Dorchester Avenue and Blenheim Road in terms of the character and appearance.

#### Design, layout and scale

The existing single storey infant block, retained as part of the proposal would be remodelled and would include the provision of a new link to the junior school, external canopies over the infant and nursery play area and the addition of a modest toilet block, welfare area and canopy on the southern side of the building. The minor external changes to the appearance of the building would have an acceptable impact on the character and appearance of the surrounding school site and would complement the proposed new build block.

As outlined above, the design of the proposed new junior block 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 also 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 would help to reduce the overall bulk and visual mass of the building when viewed from the surrounding neighbouring residential gardens. Furthermore, the main formal elements would be built in render and brick, whereas the linking elements would be timber clad.

The design of the new school buildings, deliberately avoids reflecting the suburban form of the surrounding residential homes. Having regard to the development plan, and national guidance, such an approach is entirely acceptable in principle, and reflects the fact that the use and form of educational buildings is different to residential use. This school site is not located in a designated conservation area, requiring the observance of a particular stylistic or architectural form as a matter of policy. The contemporary design of the buildings is accordingly considered acceptable in this case. The height and arrangement of the building elements is logical, and whilst obviously at a different scale to the surrounding domestic uses, is considered to respond to the challenge of layout and floor space appropriately. The elevations are in places large, but their treatment – the arrangement of materials and windows etc. - is considered and appropriate to the size and scale of the buildings, and the character of the area. The differentiation in materials results in a building that has clear legibility and articulation. The linking elements comprised of untreated cedar cladding will weathers quickly but have durability and are low maintenance. This is further emphasised by the fenestration treatment with a more informal and dynamic arrangement of windows for the linking elements. Subject to a condition, requiring final approval of samples, the materials proposed are considered to be acceptable.

The overall site layout is determined by a number of factors, including construction and operational concerns. The arrangement of access, car parking and hard and soft spaces (see below) is logical and results in satisfactory layout of buildings and space over the site as a whole.

The applicants have undertaken a sunlight and daylight assessment, and noise impact assessments that, alongside other application documentation, demonstrates that the layout and size of the building will not give rise to significant adverse environmental conditions for pupils, or surrounding properties (see sections 3 below). Having regard to the wider characteristics of the area, and against the background of the considerations set out in the design and Access statement, the proposed design, layout and scale are considered to be acceptable.

### Landscaping

A landscape strategy accompanies the application and details a much more ordered use of external education, play and sports space, creating a positive and effective school environment for the enlarged school. Notwithstanding the removal of some trees (see below) the strategy proposes to increase in the number of trees on the site and introduce verbatim 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. In particular, it is proposed to significantly enhance the landscaping along the western and northern boundaries of the site through 3 layers of dense planting. The provisional proposal includes a variety of evergreen and deciduous species in order to provide a year round screen and would include a mixture of hedging, shrubs and trees that in time

would significantly soften the appearance of the development and filter views at both low and higher levels.

The landscaping plans provide for an new enclosed refuse store to be provided in the northern car park area, adjacent to the northern boundary of the site which adjoins some commercial premises to the rear.. The proposed new 2 metre high timber/steel mesh fence along part of the north western boundary of the site and fence enclosures within the school site as outlined above are considered to be acceptable in principle in terms of character and appearance. The plans submitted do not provide a fully detailed planting plan as part of the application documentation. Whilst this approach is not unusual, given the scale of development proposed, the proper specification of landscape planting is required in this case and a condition to ensure that a detailed hard and soft landscape specification is submitted to the Local Planning Authority is considered appropriate. .

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 redeveloped site would result in an improved layout for the school, whilst providing an acceptable, if changed, relationship with neighbouring properties. The distinct elements and functional spaces would result in a building that is clearly recognisable for users and occupiers. Subject to conditions on final materials and landscaping details, the development should successfully integrate into the character of the surrounding suburban context. A high quality landscaped green buffer around the school site would nevertheless provide mitigation for those residents experiencing the most significant changes whilst providing an attractive setting for the building and supporting 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.

Policy 1 of the Draft Development Management DPD Policies (2012) states that “The assessment of the design and layout of proposals will have regard to: “the massing, bulk, scale and height of proposed buildings in relation to the location , the surroundings and any impact on neighbouring occupiers”.

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

It is acknowledged that the new and modified buildings would have a greater scale and mass than the existing single and two storey structures of the school. Moreover, due to the siting of the proposed two storey junior school on the northern side of the site, the building would be marginally closer to neighbouring residential properties when compared to the existing two storey junior block on the site which is located between approximately 33 and 37 metres away from the rear elevations of the nearest residential properties along Dorchester Avenue.

The change in the relationship of the proposed school buildings would be most obvious for the group of two storey properties, No's 1- 19 Dorchester Avenue, as their rear

elevations would face directly towards the western elevation of the 2 storey junior classroom block. As mentioned previously, the western elevation of the proposed new building would be sited away from the closest properties in Dorchester Avenue (between 28.8 and 30 metres) and the main teaching block on this side of the building would also be between 28.5 and 33 metres from these properties. The closest properties adjacent to the northern boundary of the site along Blenheim Road are sited a similar distance away, some 31 to 34 metres, but would have a different relationship with the building as the flank northern elevation of the building which would be closest spans a smaller distance and properties along Blenheim Road are also sited at an oblique angle which would help reduce the visual impact of the proposal.

Currently the properties surrounding the north western boundary of the site have a view across the playing field and it is acknowledged the new two storey building will undoubtedly change the views and outlook from these surrounding properties. The planning system is not able to safeguard or protect specific views from private houses. The impact of the development on the outlook of the group of residents in Dorchester Avenue, as a whole, is nevertheless a legitimate, material consideration as recognised in policy 1 of the draft Development Management DPD (2012).

The separation between the existing and proposed buildings has been set out above. A number of residents along Dorchester Avenue and Blenheim Road have expressed concerns in relation to the distances from the building, highlighting that a number of the properties have been previously extended and therefore the distances are reduced. Officers acknowledge that some of the properties along Dorchester Avenue have been extended with the addition of single storey rear extensions and rear dormers. Residents, particularly those along Dorchester Avenue, have also raised concerns in relation to the first floor classroom windows of the proposed western teaching block.

It is acknowledged that the three windows on this part of the building are large and are necessary to provide adequate day lighting and sunlight to classrooms. A particular concern is that both the peace and quiet of residents and privacy would be compromised by the proposal. A noise assessment was prepared which demonstrates that the noise impact of the students will not have an adverse impact upon residential amenity. Further, officers consider that the proposed distances from the western teaching block, given the normal hours of use of a school are sufficient so as not to give rise to unacceptable levels of loss of privacy or overlooking. It is recognised that the boundaries around this part of the site are currently fairly open in terms of vegetation coverage. To ameliorate the impact in relation to the outlook from the surrounding neighbouring properties and reduce the dominance of this element of the development on neighbouring homes this boundary treatment is proposed to be enhanced. It is also noted that the closest part of the building, the flank wall of the southern teaching block does not contain any windows.

The distance of the western teaching block from the western boundary of the site would be less at approximately 16 metres. This lesser distance could give rise to a perception of overlooking and loss of privacy to the rear gardens areas of the closest properties along Dorchester Avenue, particularly, No's 5- 11. To respond to this potential adverse impact, a condition could be applied in the form of obscure glazing to part of the upper floor windows which would be appropriate to prevent perceived overlooking and loss of privacy for the occupiers of Dorchester Avenue. Additional landscape screening will also contribute to reducing this apparent impact.

It should also be noted that the classrooms will be predominantly occupied during school opening hours and not during the weekend, when residential gardens and properties are usually more likely to be occupied and sensitive to overlooking and privacy. The other windows on the western elevation would be high level and narrow and would serve WCs and a storage area. As such, it is considered that these windows, serving ancillary spaces, would not result in any detrimental levels or perceived levels of overlooking and loss of privacy.

The rear elevations of the properties to the east of the site, situated along The Gardens are some 50 metres from the eastern elevation of the proposed new two storey junior block and this aspect of the proposal would therefore not give rise to any detrimental impacts on the residential amenities of the occupiers of these properties in terms of loss of light, overshadowing or loss of outlook.

The applicant has provided a daylight and sunlight assessment to assess the impact of the development on the light receivable by a sample of 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 models the impact upon all the windows to the rear of the properties located on Dorchester Avenue, Blenheim Road and The Gardens were tested at Ground and First Floor Level as well as the rear garden areas. The assessment concludes that the proposed development would have an insignificant effect on light received by the neighbouring properties and gardens. For the above reasons, and whilst acknowledging the strong views expressed, and the material change in outlook for some of the surrounding properties from this development, it is considered that subject to conditions, 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 to render the proposals unacceptable.

#### Increase in Intensity of Use

Paragraph 123 of the NPPF (2012) states that planning decisions should aim to: "avoid noise from giving rise to significant adverse impacts on health and quality of life arising from noise from new development". The proposal would result in a material increase in the number of pupils with a gradual increase proposed each year until 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: 12/2392/M02) which provides guidance in relation to the acoustic performance of building to prevent unacceptable noise and disturbance levels. In addition to this, a further supplementary School Activity Noise Assessment has been provided which provides an assessment of the potential change in noise levels due to the new school layout. This assessment has been based on BS8233 World Health Organisation Standards for community noise.

The report concludes that the noise from the building would not have a detrimental impact on the surrounding occupiers. The results show that the predicted noise level over an 8 hour school day would be improved in comparison with the existing noise levels and that classroom noise levels would be further reduced when classroom windows are closed and this would be aided by the relocation of the main playing area to the south of the site. The report concludes that at worst the proposed new school would have no impact on current noise levels and would most likely result in an improvement to current noise levels at residencies to the north and north west of the



school.

The location of the proposed junior hard play area is unaltered from the existing smaller play area adjacent to the existing infant block and consequently is not anticipated to give rise to additional undue noise impact. The main source of noise will be from the southern team sports area and hard and soft play space. The existing main hard play space is also towards the south of the site. Under the current proposal this area would be expanded towards the south western boundary of the site which abuts a group of properties in Dorchester Avenue, primarily No's 29-39 and consequently would have a greater intensity of use due that at present. Nevertheless, it is considered that daytime noise from school children is already experienced by the surrounding neighbouring occupiers along both Dorchester Avenue as well as the properties to the east along The Gardens. Having regard to the overall site constraints, and the siting of the main sports and play area at the southern end of the site, the net impact is considered to be beneficial in terms of noise overall as the southern boundary abuts the West Harrow Allotments rather than neighbouring rear gardens. Due regard is also given to the existing deciduous and evergreen trees situated along the south western boundary which would help reduce the impact of student noise and views to this part of the site.

It is noted that a number of residents have expressed concerns in relation to the use of the external spaces around the new two storey junior building and whether this would result in additional noise. In response, the applicant has outlined a statement of intent from the school on this matter within their submitted Design and Access Statement. This outlines that the space around the new school building would be used primarily for circulation and that the area between the western teaching block and the fence line of the houses on Dorchester Avenue will be used as a quiet zone. There would be no ball games or assembling in this area. The statement also highlights that the use of the sensory gardens that runs along the north west boundary will not change from the present use and will only be used on an occasional basis for a small number of children.

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 noise may arise as a result of the development, the additional noise and disturbance is not considered to significantly undermine residential amenity and would not outweigh the strong emphasis given to expanding schools within 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

There are no proposed changes to site access for either vehicles or pedestrians. However, the proposed car parking layout would be altered as part of the proposal. The parking area would be located adjacent to the eastern (22 spaces) and northern boundary of the site (14 spaces). Currently there is a parking area on the eastern side of the site but not on the north side. The eastern parking boundary would be located a distance of between 13 to 33 metres from the rear elevations of the properties along The Gardens while the northern parking boundary would be sited approximately 10 metres away from the nearest neighbouring property on Blenheim Gardens. As such,

although the parking areas would be sited closer to some neighbouring residential properties than is currently the case given the modest uplift in the number of car parking spaces and the use of the site as a school predominantly between the hours of 9am to 5pm, it is considered that vehicles movements would not result in unacceptable levels of noise and disturbance. The application is therefore acceptable in this regard.

### Community Use of Facilities

The school is intended primarily for primary education and it's not currently the school's intention to change the existing arrangements or expand their community offering. However, use of the additional facilities, including the improved sports hall designed to Sport England standards, by the local community outside of school hours would be supported by Local Plan policy. If the community facilities were to be expanded in the future it would require careful management by the school and its governing body to ensure that it would not give rise to significant adverse impact upon neighbours. Expansion to the current school lettings policy would have the potential to give rise to additional vehicular trips and noise and disturbance in the evenings. In order to negate this potential future impact, particularly during the evening and at weekends, when residents might expect to enjoy the lower ambient noise levels, a condition is recommended to be added to any permission restricting the hours of use of the building and the MUGA. It should also be noted that no floodlighting is proposed under this current application in connection with the use of the MUGA and if required in the future would be subject to the requirement for full planning permission to consider the impacts on residents and the area.

### Construction Phasing

A construction management plan has been provided with the application. It is envisaged the construction of the school would take place over a maximum period of two years but it is considered likely that the build would actually be completed in a 64 week period. The construction would take place in 3 main phases of development. This would involve the construction of the proposed two storey junior block first in order to provide the necessary teaching space and to enable the decant of pupils from existing buildings. This would be followed by the refurbishment and minor modifications to the existing infant block and finally the demolition and re-provision of open space on the southern part of the site. It is inevitable that noise and disturbance would increase during the construction process; however the impacts would be temporary and can be mitigated in part by proper planning and site management. The application details proposals in respect of reducing noise levels, ensuring the safety of pupils and staff and reducing traffic congestion in the area. In addition, hoardings would be provided around the perimeter of the site during the build to help mitigate the visual impact and disturbance during construction. The detailed construction management strategy, to include a detailed timetable for implementation, could be conditioned to ensure its implementation.. 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. Core Strategy Policy CS 1 R and draft policy 53 of the Development Management DPD, also seeks to provide a managed response to car use and traffic growth associated with new development. 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.

Residents have queried why a Transport Assessment (TA) was not provided with the application. Transport Assessments help to inform the Local Authority of the likely implications of a development. Although not a legal requirement, the Department for Transport (DfT) guidance on transport assessments suggest that a TA would be appropriate for this size of development but also that the need for a formal transport assessment is determined by the relevant local authorities. The Highways Authority have considered the application and are of the view that a transport assessment is unlikely to add to what has already been acknowledged in terms of some adverse traffic impact and possible mitigation measures. On this basis it is felt that a full transport assessment will be of little benefit in deciding on this planning application.

At peak times, in the morning and afternoon, the existing school already 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. A significant number of representations submitted, report a concern over the transport impacts of the development. 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. There is little scope to re-engineer London's Road to deal with such peak hour use. 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 to have been broadly effective by the Highway Authority since the vast majority of staff and pupils walk to the site (80%) and there has been no significant increase in reported car use during the period 2010/2011 to 2011/2012 with only relatively small number of people using this method of transport (11%). Instead, the number of people walking is considered to be a significant. The school has made a commitment to further developing this plan as outlined within the submitted Design and Access Statement. These activities are expected to include clear expectations amongst parents to safe and sustainable travel, engaging pupils in discussions and training activities as well as leaflets about safe travel to the school. A cycle/scooter store will also be provided close to the main arrival point to promote cycling and scooting as an alternative means of sustainable transport behind walking. Earlier reported concerns have limited the promotion of cycling to the school. The facility to store cycles, in association with measures to increase cyclist safety locally, and more widely, nevertheless justify the

inclusion of future strategies to promote such modes.

However, it is also recognised that the aim of increasing sustainable travel requires a culture change 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 refined 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. There are a range of various initiatives that can be explored as part of the submission of a revised travel plan. These should include consideration of more stringent measures, including further encouragement of cycling, variation of school start times together with initiatives such as breakfast clubs. Personalised travel planning should be promoted and mandatory cycle training could also be considered. Bikeability could be more heavily promoted with cycle training and route planning being tied together better and regular Dr Bike sessions on site and targeted at parents as well as pupils. The revised travel plan should be visible on the school website, prospectus and in most communications sent out by the school including its principles being extended to lettings and organisations associated with the school. Cycle clubs at the school and travel champions could also be encouraged.

Notwithstanding the promotion of alternative means of travel to the school, the application does provide more a modest level of additional car parking to cater for increased staff numbers with a total of 35 formal car parking spaces being proposed. There are currently 27 formal parking spaces on the site. Following a site inspection and the concerns raised by residents regarding the number of existing parking spaces, it is noted that cars currently park along the entrance way and adjacent to the eastern boundary of the site in non-mark verbatim bays. The applicant's architects have indicated that because these parking spaces are taken into account also, the site currently accommodates 34 spaces not of the "standard" size for a parking space and they have therefore not been indicated on the existing plans submitted with the application. The highways authority considers that despite this anomaly, having regard to the highly constrained nature of the site, the additional uplift of internal parking provision to 35 formal spaces is acceptable for the school. Parking near to the school is already controlled by the existing controlled parking zone (CPZ) which operates Mon to Fri 10 am – 11 am and it is unlikely that the expansion would generate any long term parking issues on-street.

The highway authority consider that the proposed parking layout would result in an improvement in the vehicle and pedestrian flows across the site with a delivery area and refuse store located towards the northern end of the site to ensure larger vehicles would not need to travel deeper into the site. A raised table and shared surfaces will be incorporated adjacent to the entrance of the building in order to improve the movement of pedestrians in the site. Overall, the changes are considered to be an improvement in terms of layout and security and the layout does not raise any safety or operational concerns.

The 20 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. A number of residents have highlighted that the school does not encourage cycling as the roads surrounding the school are too dangerous. In terms of traffic calming, the school and surrounding roads are already within a 20mph zone with associated traffic calming

measures in place. However, the highways authority has acknowledged that these measures, subject to future funding, might be able to be reviewed in the event of significant additional and unexpected impacts arising. . In addition, the hours of operation of the controlled parking zone could be reviewed subject to consultation with the community approval by residents and if supported the zone could be widened to include more roads. The issue of cycling raised by residents is also considered to relate to the need for a culture and behaviour change and the need to raise awareness and provide training exercises to promote sustainable and safe travel to the site.

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 prompted considerable concern with regard to the impact of the additional form of entry on traffic conditions. The proposals have been referred to the Highways Authority who have raised no objection to the proposal. Given the location of the school, its catchment and potential future catchment, offices acknowledge that the proposals have the potential to cause additional peak hour traffic generation, and to give rise to consequent congestion and frustration for motorists using surrounding streets. Aside from changes to demand and behaviour through a focus on mode shifts to non-car modes, there are considered to be few engineering responses that would significantly change the impacts identified. These adverse transport impacts accordingly need to be weighed against the contribution that the proposals will make towards meeting forecast educational need. Subject to a refined travel plan secured by a condition, for the reasons outlined above the transport impacts of the proposal are considered to be acceptable, having regard to the aims and objectives of policy 6.3 of The London Plan, core policy CS 1 R of the Harrow Core Strategy, draft policy 53 of the Development Management Policies DPD and saved Harrow Unitary Development Plan policies T6 and T13.

## 5) Open Space

As discussed above, part of the site is allocated as open space and this includes the playing field to the north of the site which is the location of the proposed new two storey junior school. The area of designated open space as identified in the Harrow Core Strategy (2012) covers a total area of 6810m<sup>2</sup>. The principle of the development on designated open space is considered above in section 1. The areas of existing and proposed opens space are outlined in more detailed in table 1 as follows:

Table 1: Existing and proposed open space

<b>Type of Open Space</b>	<b>Existing (m<sup>2</sup>)</b>	<b>Proposed (m<sup>2</sup>)</b>	<b>Net</b>
Area of Designated Open space	6810m <sup>2</sup>	3740(residual)	-3070
Playing Field (located within formal designated open space)	3070m <sup>2</sup>		-3070
Formal Hard Play Space	3859m <sup>2</sup>	3349m <sup>2</sup>	-510
Formal Soft Play	1260m <sup>2</sup>	1931m <sup>2</sup>	+671

Space			
Indoor sports Hall		280	+280
Multi Use Games Area (MUGA)		1385m <sup>2</sup>	+1385
<b>Total Hard and Soft Space</b>	<b>8189m<sup>2</sup></b>	<b>6665m<sup>2</sup></b>	<b>-1524</b>
<b>Total External Space excluding building footprint</b> (including external circulation spaces, informal soft/hard spaces and car park)	12, 122m <sup>2</sup>	12, 245m <sup>2</sup>	+123
<b>Building Footprint</b>	2413	2290	-123

With reference to the above table, it can be seen that whilst there would be a reduction in formal play space, there would be no loss of overall external space for the school. The total external space includes all other space surrounding the building footprint including circulation space, car park space and informal hard and soft space. The reconfigured open space would serve a number of functions for the school, including play space, circulation space, parking space as well as recreational and learning space but does not generally provide access for the public. Despite the reduction in formal hard and soft play space, it is considered that the proposed provision of a multi-use games area and larger sports courts on the southern side of the site, replacing the grass playing field area, could amount to a net benefit in formal play space provision. The soft play area to the south of the site will be drained and attenuated, enabling the school to use it all year round. Furthermore, an improved sports hall would be provided within the ground floor of the junior block which has been designed to Sport England Standards and will allow for the provision of indoor sports and activities and full school assemblies. This sports hall would provide an internal space of 280m<sup>2</sup>.

The value of playing field as a visual amenity to neighbouring residents is recognised. The appraisal above considers the impact on the amenities of those residents whose homes back onto this open space and concludes that this impact needs to be balanced against the planning policy objectives aligned towards the improvement of educational facilities in the borough. The reconfigured open land and proposed development would result in a more active and prolonged (year round) use of a smaller area of open land to the south of the site than currently exists. Sport England have been consulted as a statutory consultee on the application and have advised that the northern playing field is not considered to form part of, or constitute a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010. Sport England have accordingly raised no objection on the proposal as they do not consider that it would impact on existing community sports facilities or formally defined playing field.

The proposal for development on open space, would therefore not conflict with policy EP47 of the UDP, core policy CS1 F of the Harrow Core Strategy (2012) and the broad objectives of the NPPF, aimed at safeguarding open space from development. However, the application argues that the alternations to external play provision will result

in a net benefit for the users of the site. Officers accept this argument, but equally acknowledge that the impact of the proposals for residents who enjoy the open aspect of the playing field towards the western end of the site will be less positive. Officers consider, overall that the policy benefits of the development in helping to meet the future educational needs of the borough, justifies overriding the protection afforded to the open space by the development plan. Subject to the delivery of boundary enhancements, the overall impact of the development on open space is accordingly considered to be acceptable

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

As outlined earlier, the site lies within flood zone 3b, as informed by the Harrow Strategic Flood Risk Assessment (2012). The Strategic Flood Risk Assessment shows that there is a risk of flooding to the site from the Smarts Brook, due to the culvert capacity being exceeded, causing surface water run off to flow overland. Officers have considered above that the development would meet the requirements of the Exception Test and would not result in an increase in the risk of flooding to the school or surrounding neighbouring properties.

Detailed calculations have been provided which determine the likely flood depth at the site, based on a worst case scenario, an event that may occur if the culvert were to be 100% blocked. The FRA shows that flooding to the site can be mitigated through a range of measures.

To mitigate for flood risks the new building will be raised above the surrounding ground level by 310mm above the worst case flood level, taking account of climate change. Areas of flood compensation are also being provided on site in advance of construction at a level equal to that lost by the new building. In the event of a flood the water displaced by the construction of the new school building will be routed to the area provided as flood compensation. The surface water will be collected using grated manhole covers and via other drains within the site. It will be routed, through a 450 mm diameter pipe, to the attenuation crates below the MUGA.

In the event of the flooding occurring when the attenuation is full (i.e. providing attenuation following a rainfall event) surface water transferred to the storage area will be able to rise through the permeable construction of the MUGA and flood the MUGA, thus providing the required flood compensatory storage. Officers from the Councils drainage team are satisfied that the development will therefore have no detrimental effect on the capacity of flood storage within flood zone 3b as any volume that is lost through the construction of the new building will be compensated elsewhere within the site.

Furthermore, the redevelopment of the site also provides the opportunity to improve the surface water drainage regime at the site to try to replicate (as far as practicable) the natural drainage regime for the site. At the moment the existing buildings have uncontrolled surface water discharge. However, the proposed surface water strategy attenuates the surface water run-off from the entire site, including the school building that is to remain, and discharges it to the watercourse at rate of 5 l/s/ha which is equivalent to the site's greenfield run-off rate. The culvert diversion works will also provide small additional storage volume due to the increased length of the 1050 mm dia pipe to account for the diversion. Other sustainable urban drainage techniques would also be incorporated into the proposed development including the provision of a rainwater harvesting tank which has the capacity to hold 27, 000 litres of water for latter

re-use. The combination of the above processes means that officers are satisfied that the proposed re-development of the site would give rise to no additional impact in flood risk terms.

Nevertheless, in order to ensure safe access and egress for pupils/staff during a flood event, it is proposed to install a water level sensor with in the re-aligned culvert which will be linked to a sensor and programmable alarm within the school offices. This will be monitored during intense rainfall events by the school and if required the school can be rapidly evacuated. In removing their objection to the application, the Environment Agency have requested conditions to ensure that the surface water drainage measures outlined in the FRA are implemented, including provision of a scheme to be provided in the event of the failure of the pumps under a worst case scenario.

Subject to the above the development is considered to satisfy 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 and fulfil the objectives of the NPPF concerning managed impacts upon flood risk.

## **7) 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 entrance 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 both the new and existing building would be level and ramps and steps will be provided where required. The main entrance doors are main public access doors and would be automated. The reception area adjacent to the main entrance would provide a lower surface for wheelchair users and a lift will be provided from the hall lobby space to give access to the first floor. All corridors will have a minimum width of 1200mm 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.

## **8) Equalities Impact**

The proposals for re-development of the school site 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 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 safeguarded by the act.

## **9) 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'. 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. It is anticipated that the development would be able to achieve a 20% reduction in Carbon dioxide levels over and above minimum standards. The initial BREAAAM 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.

#### **10) Trees and Development and Biodiversity**

The applicant has provided an Arboricultural Assessment with the application. None of the trees on the site are protected by a tree preservation order but nevertheless they make a positive contribution to the amenity value of the area as well as providing wildlife habitats and provide a good screen for adjoining residential properties. The existing tree cover is largely confined to the edges of the site and is generally well maintained. The report finds that demolition can be carried out and all retained trees can be adequately protected. Also, as the proposed new school building is centrally sited and largely free from tree constraints it will be possible to retain the majority of the edge trees and provide sufficient protection. Overall, six trees and three groups of trees would need to be removed for the purposes of the development. 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. Notwithstanding the details in the Arboricultural report, It is noted that the preliminary landscape proposals show that a higher quality oak tree on the northern boundary of the site (T27) would be removed as part of the proposal. However, this is considered necessary as it is impossible to construct the new build and diverted culvert with the size of the required root protection zone. As such, given the moderate condition of the tree, this is deemed acceptable, provided it is replaced on site with a similar suitable specimen and can be ensured through an appropriate planning condition.

Subject to a condition to ensure that the proposed development is carried out in accordance with the recommendations of the Arboricultural Report (with the exception of

T27), 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 bird but there was no other habitat suitable for protected species. Given the age and condition of the building, there is a negligible to low likelihood that the buildings on the site are harbouring bats.

It is noted that the report finds evidence of an unknown species of newt within the school pond. Current guidance states that if there is suitable habitat for Great Crested Newts on the site, then further survey work should be undertaken to ensure that any population present is not adversely affected by development, given their status as a European Protected Species. As the existing pond on the site will be affected by the development and there is evidence of an unknown species of newt, a condition is attached to ensure that a further phase II habitat survey is conducted by a suitably qualified ecologist, prior to the commencement of development.

To ensure that no offences occur under the wildlife and Countryside Act 1981, a condition would also be required 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, the Council's ecologist has recommended that any consent be accompanied by a condition requiring bird boxes or bird bricks to be installed in suitable locations on the new school buildings which would cater for Regional (London) or UK Biodiversity Action Plan (BAP) species. Subject to the above conditions, it is considered that proposal would comply with saved policies EP26 and EP27 of the Harrow Unitary Development Plan (2004).

### **11) 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 site is enclosed by residential properties on the east, north and western boundaries as well as some allotments to the south. As such, the school receives very good levels of natural surveillance. The main front entrance from The Gardens and the rear pedestrian entrance are secured by a locked gate. Indeed one of the main objectives of the redevelopment was to provide better security arrangements. It is considered that the revised layout with the provision of a well located reception and administration block would improve the site security. The proposed layout of the site has been discussed and reviewed with the Councils Crime Prevention Design Adviser who has recommended that a security condition is attached to the permission to ensure that the specific security needs of the development are met which is considered to be appropriate.

### **12) Consultation Responses**

Following site and press notices, and notification of surrounding residents, at the time of writing this report 287 letters of comment had been received. All but three of the representations received expressed concerns/reservations against the proposals. The concerns expressed have been addressed where relevant in the corresponding sections of this report (above). In particular, the appraisal has noted the following issues.

- The loss of open space has been addressed under section 1 and 5 of the above appraisal. Some residents have expressed that the proposal would result in a 10% loss of open space on the site which would be against the policies of the Council contained within the Harrow Unitary Development Plan and the Harrow Core Strategy. The report above notes that there would be no increase in building footprint on the site, but acknowledges that formal hard and soft play space within the site would reduce, alongside the development of the buildings on space explicitly identified in the development plan. The appraisal above acknowledges that the purpose of the planning system is often to strike an acceptable balance between conflicting interests and policy objectives. In this case, the loss of the playing field which is designated as open space must be weighed against other policy objectives of the development plan. As outlined, there are considered to be material planning considerations that justify allowing the development on open space. .
- The impacts on character and appearance have been addressed under section 2 of the above appraisal.
- Comments relating to reduced values of properties abutting the field and compensation are not a material planning consideration which should determine the outcome of the application.
- The impacts on residential amenity have been considered under section 3 of the above appraisal.
- In terms of quality of life, planning policies are aimed geared towards improving quality of life for local communities and in achieving an acceptable balance between conflicting views and opinions. Whilst it is acknowledged that the proposed development would result in a significant change for some local residents in terms of the visual amenity, it is considered that the proposal would not be out of place within the suburban context and through mitigation measures would not result in any unreasonable impacts that would warrant refusal of the application. The expanded school and high quality educational facilities will generate local and national benefits that are strongly supported by the Local Plan and the NPPF (2012).
- The Impact on traffic and highway safety has been addressed under section 4 of the above appraisal.
- Comments concerning the school entrance being dangerous have been received. It is already acknowledged that there will be an increase in traffic volumes and pedestrians to the site. Under the current application there are no proposed changes to the site access. However, officers understand that the applicants are currently undertaking a review into whether the pedestrian path along the site access could be widened to ease the flow of people entering the site at peak times. This proposal is not however part of the current planning application. Overall, this issue is considered not to be so significantly harmful to warrant refusal of the application and can be mitigated through some of the measures outlined under section 4 of the above appraisal.
- The impact on biodiversity has been addressed under section 10 of the above appraisal.
- The impact on the functional floodplain has been addressed under sections 1 and 6 of the above appraisal. With regard to the issue concerning flooding of the car park and playground, the submitted Flood Risk Assessment acknowledges that in the

event of flooding occurring when the underground attenuation is full, surface water could flood the MUGA, providing compensatory storage. However, it should be noted that the entire existing site is covered by a zone 3b designation and the proposal would result in significant gains over and above the existing situation as at the moment the buildings have uncontrolled surface water discharge. The Local Drainage Authority and the Environment Agency have not raised any concerns with the scheme. In relation to the concern in respect of the failure of the pumps, a condition has been attached to outline a scheme to be submitted for approval by the Local Drainage Authority and the Environment Agency, to address this issue, should this unlikely event occur.

In addition to the comments in the appraisal, through the submission of representations, a number of residents have raised other issues relating to the following:

- The location of the proposed development – alternative sites: Residents have questioned why the application does not propose to build on the adjacent West Harrow Allotments. The applicant's design and access statement addresses this argument and discounts this option for a number of specified reasons. Importantly however, that proposal is not before the Local Planning Authority for consideration as a planning application. In the event that the current proposal is found to be unacceptable, the applicants may choose to re-visit the alternative proposals having regard to specific issues raised against such options at the pre-submission stage.
- A number of residents have also raised concerns in relation to the build cost of the project. However, this is not a material planning consideration and has therefore not been addressed as part of this application.
- Comments have been made in respect of the classroom sizes within the new building in relation to the BB99 size guidance for primary schools. Officers are advised that the BB99 figures are intended for guidance only and are not absolute rules. The existing school was compared against BB99 guidance for 3 forms of entry. This highlighted that there was a shortfall in adequate internal spaces in a number of areas across the school. The applicants claim the current proposal would make significant improvements in terms of internal layout of spaces and sizes and would bring the overall school up to BB99 guidance area provision for a 3FE primary school. It is a matter for the Council as education authority to determine under what circumstances the guidelines within BB99 are followed. The guidelines have no policy status for planning decisions.
- Concerns regarding the impact of foundations are not a material planning consideration and have not been considered as part of this assessment.
- In respect of comments concerning the need for school places or the reasoning being the closure of school in the past, the Local Planning Authority is not be able to consider the rationale for the school place needs, or indeed the basis of earlier decisions that have changed school place provision in the Borough, and across the Country. Rather the Local Planning Authority is obliged to assess every planning application "on its merits."
- Concerns regarding construction on a live site are to be managed by the contractor for the work. However, a construction methods and phasing plan is required by a planning condition to ensure that, as far as possible, operational safety will be achieved during construction including the management of vehicles within the site and on the local highway network. It is considered that the proposed phased construction could be achieved successfully in an operational school environment as the scheme would allow for decant of pupils to be undertaken within the new build block, thereby minimising the impact on existing pupils education.

- Residents have suggested that temporary accommodation should be used on the playing field to enable the school to be built on the southern part of the site. The applicants have highlighted within their Design and Access Statement that the proposed scheme would offer the best solution in allowing the school to remain operational throughout the construction process. The proposal put forward to the Local Planning Authority has been considered on its own merits and officers consider that there are no sufficient grounds that would warrant refusal of the application in this case.

Finally, considerable volumes of representation have been received from a small number of residents concerned with the adequacy of the Council's consultation process, and compliance with the adopted Statement of Community Involvement for Planning applications. The first of these concerns centres on the availability of plans to view online during the Council's 28 day "formal" notification period, and the ability of interested parties to make representations direct to the Council via the online portal. Officers are aware of a short period towards the end of the 28 days notified period when the plans were not available to view online. In response to the notification of this issue by residents, officers undertook to extend the period for submission of responses beyond the 28 day notification period, up until the date of the Committee meeting. This would equate to a period of 62 days from the notification of the planning application being sent to local households. Copies of the planning application were also available for inspection at the Library and the original consultation letter made explicit reference to this facility.

In respect of the difficulties that the community have had in making their views known and viewing their comments submitted online, officers have been notified by three residents of difficulties in this regard. In response, officers have encouraged direct engagement with the case officer responsible for the application by any resident who has experienced difficulty in submitting or viewing comments that they submitted, and have carried out an audit of all outstanding correspondence through late March, to identify any "outstanding" or pending documents that were awaiting uploading onto the web site. The Council has also prioritised all IT helpdesk enquiries relating to this notified difficulty.

Overall, officers consider that the measures taken mean that the Council has met its statutory consultation obligations in respect of this planning application. Whilst the reported difficulty in making electronic submissions has been investigated, the Council has also received further written comments via alternative e-mail address which have been copied to the application file and reported as part of this application.

## **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 flood risk and open space considerations particularly, and the proximity of surrounding homes. The report acknowledges that the growing school roll is 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 to strike an acceptable balance between competing policy objectives and are acceptable. The

concerns and adverse impacts identified during the pre-application and post submission stages by third parties can, officers consider, 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 technical evidence submitted in support of the application, also lead officers from the Drainage team and Environment Agency to conclude that the proposal would not give rise to increased risk of flooding. 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.

A significant volume of objection has been received, from residents near to the site. Some residents will be more directly affected by the proposals than others, notably those who back on to the new 2 storey block. The proposals are nevertheless considered 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), and satisfactorily respond to those other material considerations such that permission can, officers consider, be 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 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:

Exiting Plans:

1413-LO-01; 1413-00-ST-01; 1413-00-ST-01; 1413-00-ST-02; 1413-00-ST-03;  
1413-00-GD-02; 1413-00-GD-03; 1413-00-GD-04; 1413-00-01-04; 1413-00-EL-01;  
1413-00-EL-02; 1413-00-EL-03

Proposed Plans:

1413-20-ST-01 Rev B; 1413-20-GD-01 Rev A; 1413-20-GD-02 Rev A; 1413-20-01-01;  
1413-24-RF-01 Rev A; 1413-24-RF-01 Rev A; 1413-30-EL-01 Rev A;  
1413-30-EL-02 Rev A; 1413-30-EL-03 Rev A; 1413-30-ST-01 Rev A; 1413-30-SE-01  
Rev A; 1413-30-SE-02 Rev A; 1413-PP-01 Rev A; 1413-PP-02 Rev A; 1413-PP-13 Rev  
A; 1413-PP-04; 3662/P01 Rev A; 3662/P02 Rev A; 3662/P03 Rev A; 3662/SK07

Supporting Documents:

Flood Risk Assessment Ref: JRC/582035/VAUG/JRC Rev 5, dated 15<sup>th</sup> March 2013;  
Design and Access Statement Rev D; Vaughan School – Schedule of Materials;  
Daylight and Sunlight Report Rev A by Daniel Armstrong Associates, (Revised 29  
January 2012); Vaughan Primary School – Management of Construction on a Live Site;  
Breeam Pre-Assessment Tracker and Action List Ref: CTN/7132100/CTN Rev 02, dated  
17 September 2012; Vaughan Primary School Site Study, by LOM Architecture and  
Design (September 2012); Ecological Assessment by MLM Environmental - Ref :  
DMB/723865/R14/GH Rev 0, dated 24 August 2012; Arboricultural Impact Assessment  
at Vaughan Primary School, Harrow by A.T. Coombes Associates; Vaughan Nursery  
Primary School Travel Plan; Vaughan School Lettings Policy titled: Hiring of School  
premises at Vaughan Primary School (Spring 2012); School Activity Noise Assessment  
Issue 1 by Cole Jarman Ref: 12/2392/R2-1; School Activity Noise Memorandum Ref :

12/2392/M02, by Cole Jarman, dated 16 January 2013

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

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

- a: 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 first floor windows on the western teaching block to prevent perceived overlooking shall be submitted to and approved by the Council before any work on the superstructure is commenced on site. This part of the development shall be carried out and completed only in accordance with the approved details:

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 be built above DPC level 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 commencement of development, details of the hoarding and screening to be erected during the construction phase of the development shall be submitted to, and approved in writing, by the Local Planning Authority. The development shall proceed only in accordance with the approved details.

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

10 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).

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 20 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



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 and surface water and attenuation 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).

15 Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (MLM, revision 5, 15 March 2013), has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include a restriction in run-off and surface water storage on site as outlined in the Flood Risk Assessment.

REASON: To prevent the increased risk of flooding in accordance with policies 5.3, 5.12 and 5.13 of the London Plan (2011).

16 Prior to commencement of the development hereby permitted, a scheme for the management of the failure of the pump system shall be submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall include provision for the automatic activation of a secondary pump (without human interference) to turn on in the event of the first pump failing during a flood event

The flood level shall be determined under the following conditions:

- The pumps were to fail and,
- The attenuation storage was full and,
- A design storm occurred.

The floor levels of the affected development shall be raised above this level and all flooding safely stored onsite.

REASON: To prevent the increased risk of flooding in accordance with policies 5.3, 5.12 and 5.13 of the London Plan (2011).

17 Notwithstanding the provisions of Part 32 of The Town and Country Planning (General permitted Development) Order (2010). There shall be no increase in building footprint or no further loss of any open land on the site following the completion of the development hereby permitted.

REASON: To ensure that the quality and function of the open space will maintained for

the occupiers of the school and to ensure that the capacity of the functional flood plain will not be compromised in accordance with the National Planning Policy Framework (2012) policies 5.12 and 5.13 of The London Plan (2011) and core policy CS 1 F/U of the Harrow Core Strategy (2012).

18 The development hereby permitted, shall be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment at Vaughan School, Harrow by A.T Coombes Associates (with the exception of tree T27 on the northern boundary). 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. T27 on the northern boundary shall be replaced with a heavy standard tree elsewhere within the site.

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).

19 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 EP26 and EP27 of the Harrow Unitary Development Plan (2004).

20 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 EP26 and EP27 of the Harrow Unitary Development Plan (2004).

21 Prior to the commencement of development, a phase II habitat survey will be undertaken by a suitably qualified ecologist and shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in complete accordance with any mitigation measures required as a result of the need to address the presence of any protected species that is identified as inhabiting the site. .

REASON: To safeguard the ecology and biodiversity of the area in accordance with saved policies EP26 and EP27 of the Harrow Unitary Development Plan (2004).

22 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 CO<sub>2</sub> emissions by 20%, and mechanisms for independent post-construction assessment, shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the 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).

23 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.

24 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

25 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 the 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. Whilst involving development on designated open space the development of the existing playing field is considered an acceptable departure from the development plan because the proposal is considered to make suitable re-provision of new external space within the site that would meet the needs of the school and provide for a range of activities including use for team sports. Whilst involving development in Flood Zone 3b, the proposals are accompanied by a flood risk assessment which demonstrates that subject to appropriate mitigation, the proposals will not increase flood risks on or off the site. The proposal to provide new educational facilities of community benefit are considered to meet the requirements of the Exception Test in accordance with the NPPF (2012).

The design, siting and appearance of the development is considered to meet the requirements for good design contained within the adopted development plan and the

NPPF (2012).

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. Whilst likely to give rise to localised, short term congestion in the vicinity of the site, the impact on traffic safety and the amenities of those living in the locality arising from the additional congestion is considered to be justified by the improved capacity and quality of educational facilities within the locality to which the NPPF (2012) provides significant weight. Outside of the peak times, 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.

Notwithstanding the significant body of representations received against the proposals the development is considered, on balance, to amount to a sustainable development as defined by the NPPF (2012) for which the presumption is in favour of approval.

The following policies are relevant to this decision:

**National Planning Policy:**

National Planning Policy Framework (2012)

**The London Plan (2011):**

- 3.16 – Protection and Enhancement of Social Infrastructure
- 3.18 – Education Facilities
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.7 – 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
- 7.18 – Protecting Local Open space and Addressing Local Deficiency
- 7.19 – Biodiversity and Access to Nature
- 7.21 – Trees and Woodlands

**Harrow Core Strategy (2012)**

CS1: Overarching Principles

CS 5: Rayners Lane and North Harrow

## **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  
EP47 – Open Space

## **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 25 – Protection of Open Space  
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:**

Harrow Strategic Flood Risk Assessment (Level 1) - (2009)  
Harrow Strategic Flood Risk Assessment (Level 2) – (2011 & 2012)  
Harrow Surface Water Management Plan (2012)  
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:

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

#### 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

#### 5 INFORM\_PF1

#### 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:

Exiting Plans:

1413-LO-01; 1413-00-ST-01; 1413-00-ST-01; 1413-00-ST-02; 1413-00-ST-03;  
1413-00-GD-02; 1413-00-GD-03; 1413-00-GD-04; 1413-00-01-04; 1413-00-EL-01;  
1413-00-EL-02; 1413-00-EL-03

Proposed Plans:

1413-20-ST-01 Rev B; 1413-20-GD-01 Rev A; 1413-20-GD-02 Rev A; 1413-20-01-01;  
1413-24-RF-01 Rev A; 1413-24-RF-01 Rev A; 1413-30-EL-01 Rev A;  
1413-30-EL-02 Rev A; 1413-30-EL-03 Rev A; 1413-30-ST-01 Rev A; 1413-30-SE-01

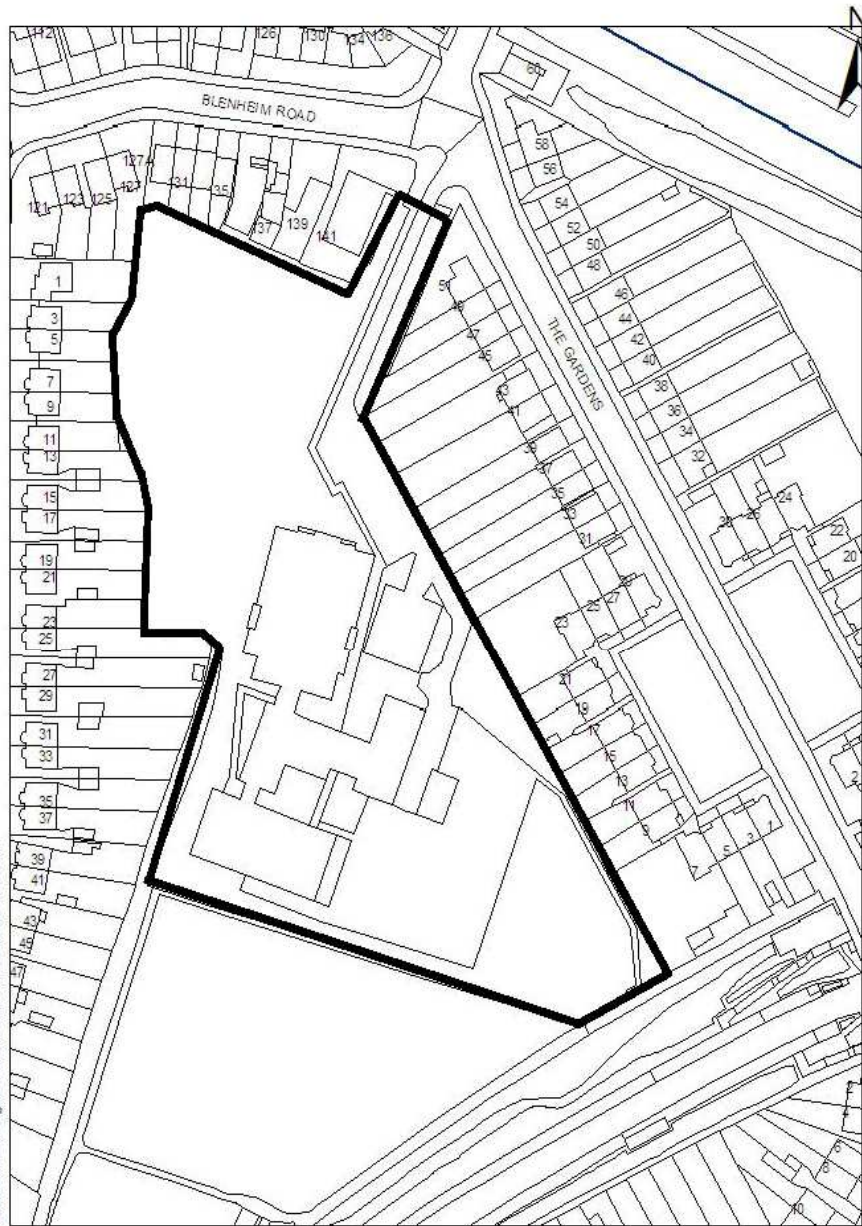
Rev A; 1413-30-SE-02 Rev A; 1413-PP-01 Rev A; 1413-PP-02 Rev A; 1413-PP-13 Rev A; 1413-PP-04; 3662/P01 Rev A; 3662/P02 Rev A; 3662/P03 Rev A; 3662/SK07

Supporting Documents:

Flood Risk Assessment Ref: JRC/582035/VAUG/JRC Rev 5, dated 15<sup>th</sup> March 2013; Design and Access Statement Rev D; Vaughan School – Schedule of Materials; Daylight and Sunlight Report Rev A by Daniel Armstrong Associates, (Revised 29 January 2012); Vaughan Primary School – Management of Construction on a Live Site; Breeam Pre-Assessment Tracker and Action List Ref: CTN/7132100/CTN Rev 02, dated 17 September 2012; Vaughan Primary School Site Study, by LOM Architecture and Design (September 2012); Ecological Assessment by MLM Environmental - Ref : DMB/723865/R14/GH Rev 0, dated 24 August 2012; Arboricultural Impact Assessment at Vaughan Primary School, Harrow by A.T. Coombes Associates; Vaughan Nursery Primary School Travel Plan; Vaughan School Lettings Policy titled: Hiring of School premises at Vaughan Primary School (Spring 2012); School Activity Noise Assessment Issue 1 by Cole Jarman Ref: 12/2392/R2-1; School Activity Noise Memorandum Ref : 12/2392/M02, by Cole Jarman, dated 16 January 2013

**VAUGHAN PRIMARY SCHOOL, VAUGHAN ROAD, WEST HARROW**

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Item No. 1/03  
Address: 246-248 HEADSTONE LANE, HARROW  
Reference: P/3263/12  
Description: REDEVELOPMENT TO PROVIDE A TWO STOREY DETACHED BUILDING WITH ACCOMMODATION IN ROOFSPACE AND FRONT SIDE AND REAR DORMERS COMPRISING 10 FLATS WITH NEW ACCESS FROM FERNLEIGH COURT; PROVISION OF 11 CAR PARKING SPACES; LANDSCAPING REFUSE AND CYCLE STORAGE  
Ward: HEADSTONE NORTH  
Applicant: MR E GADSDEN  
Agent: PRESTON BENNETT PLANNING  
Case Officer: GERARD LIVETT  
Expiry Date: 22 APRIL 2013

### **RECOMMENDATION A**

GRANT permission subject to conditions and the completion of a s.106 Agreement by 16<sup>th</sup> October 2013. Delegated Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 legal agreement by 16 October 2013 and issue of the planning permission and to agree any minor amendments to the conditions or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:

#### **1. Affordable Housing**

- a. The developer to submit to the Council's Housing Enabling Team for its approval an updated financial viability appraisal (i.e. the most up to date development costs and anticipated sales value of the residential units) prior to occupation of 80% of the residential units hereby permitted;
- b. If required, the developer to pay for the Council to have an independent review of the viability assumptions made in the financial appraisal submitted by the developer;
- c. In the event that the viability appraisal submitted by the developer (or the Council's independent review of the appraisal) shows a surplus residual land value, the developer to pay 50% of the surplus value to the Council as a contribution towards the provision of affordable housing in the borough.

#### **2. Legal Fees**

Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.

#### **3. Planning Administration Fee**

Payment of an administration fee for the monitoring of and compliance with this agreement.

## REASON

The decision to grant planning permission has been taken as the proposal would provide an additional 10 dwellings in a building that would not be out of character with the pattern of development in the locality. The redevelopment of the site would allow for improvements to the landscaping at the site and would not have significant impacts on the residential amenities of neighbouring occupiers or on traffic and highway safety in the vicinity.

The decision has been made having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy and the saved policies of the Harrow Unitary Development Plan 2004 as well as to all relevant material considerations including any responses to consultation.

## RECOMMENDATION B

That if a Section 106 Agreement is not completed by the 16 October 2013 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of any mechanism for the assessment of the viability of the proposal to provide affordable housing, would fail to adequately mitigate the impact of the development, contrary to policies 3.11, 3.12 and 3.13 of The London plan (2011) and core policy CS 1(J) of the Harrow Core Strategy (2012).

## INFORMATION

The application is reported to the Planning Committee as the development is for the provision of 10 dwellings and is outside the scope of category 1(b) of the Scheme of Delegation dated 14 March 2012.

**Statutory Return Type:** Smallscale major dwellings

**Council Interest:** None

**Net additional Floorspace:** 838 sq. m.

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** £ 29,330

## Site Description

- The application site comprises a former petrol filling station on the west side of Headstone Lane on the northern part of the junction with Fernleigh Court.
- The site is currently occupied by a filling station building and canopy, with considerable levels of hard surfacing within the curtilage.
- The site is currently in unauthorised use as a hand car wash and valeting facility.
- The site is approximately 200m south of Headstone Lane station
- The area is characterised by a variety of development types: to the south on Headstone Lane are two-storey detached and semi-detached dwellings, to the north on Headstone Lane are two-storey maisonette flats, on the opposite side of Headstone Lane is a parade of two-storey buildings with commercial uses at ground floor. Fernleigh Court is a cul-de-sac of detached single-storey dwellings

## Proposal Details

- The application proposes the redevelopment of the site to provide ten flats in one building that would have the appearance of two linked blocks, with 11 car parking spaces, landscaping, a cycle store and a refuse store.
- The main building would be towards the front of the site and would comprise of two-two-storey elements, each with two front and rear gable projections, two smaller front dormers and two rear dormers and two smaller side dormers. Each of these elements would be a maximum of 14m wide and 12.7m deep, and would be 5.9m high to the eaves and 9.39m to the ridge. The blocks would be set at an angle of approximately 25 degrees to each other.
- The central section of the building would provide a link between the two full-height elements and would provide the main access to the flats. This section would be set 2.8m behind the front elevations and would be 4.9m wide at the front and 1.2m wide at the rear. The link section would have a subservient roof and a significant amount of glazing on the ground and first floor of the front elevation.
- Each of the main elements would provide two two-bedroom flats with a gross internal area of 70.4 square metres on the ground and first floors, with a further two-bedroom flat with a gross internal area of 70 square metres in the roofspace. Overall, this would provide ten two-bedroom flats.
- One of the ground floor flats would comply with Wheelchair Home standards.
- Solar panels would be provided in a sunken crown roof section.
- At the rear of the site, 11 parking spaces, including one disabled space, would be provided. The entrance to the parking area would be off Fernleigh Court.
- Near the entrance from Fernleigh Court, a refuse store, shown as 4.2m wide, 2.5m high and 1.6m deep would be provided.
- At the rear of the site, a cycle store for ten cycles, measuring 5m wide, 1.6m deep and 2.5m high, would be provided.
- The boundary with the highways would be 1.5m high railings.
- The existing vehicular accesses from Headstone Lane would be closed.

## Revisions to Previous Application

- N/A

## Relevant History

- The planning history of this site relates to the construction of buildings, advertisements and uses connected with the former use of the premises as a petrol filling station and for car sales and repair.

## Pre-Application Discussion (Ref. HA\2012\ENQ\00271)

- *The change of use of this site to provide residential accommodation is acceptable in principle.*
- The Council is not convinced that the design approach presented at the meeting (of a block of twelve flats), or the subsequent revised scheme (similar to the current proposal), is the most appropriate response to the site circumstances, taking into account the pattern of development on this side of Headstone Lane.

## Applicant Submission Documents

- **Planning, Design and Access Statement**
- The overall design is intended to reflect the pattern of development and to address the curve in the road
- Proposal accords with National and local policies to make good sustainable use of

land and will improve visual appearance of the area

- **Sustainability Statement**
- Proposal development would comply with Level 4 of Code for Sustainable Homes
- Proposal would reflect principles of Secured by Design
- **Financial Viability Appraisal**
- Provision of affordable housing is not viable at this site
- **Provisional Risk Assessment (Contaminated Land)**
- Site has historically potentially contaminative land use
- Further testing would be required, and appropriate remediation measures implemented

## Consultations

**Network Rail:** *No response received*

**Environment Agency:** *Conditions relating to contaminated land are required*

**Headstone Residents' Association:** *To be reported*

**Thames Water:** *No response received*

**Housing Enabling:** On the basis of the viability assessment submitted together with the supporting third party evidence, it is considered that no affordable housing contribution can be made by this proposal whilst maintaining a deliverable scheme

If viability demonstrates the development cannot support Affordable Housing, the Council requires a re-appraisal prior to the occupation of 80% of the residential units permitted, 50% of the surplus residual above the agreed land value benchmark is to be paid to the Council as a contribution towards the provision of Affordable Housing in the borough.

**Highways Authority:** No objection

**Drainage Engineers:** Drainage conditions would be required

## Advertisement

Major Development

Expiry: 28-Feb-2013

## Site Notice

Expiry: 27-Feb-2013

## Notifications

Sent: 29

Replies: 6

Expiry: 27-Feb-2013

## Addresses Consulted

Headstone Lane: 189, 189a, 191, 191a, 193, 193a, 195, 195a, 197, 197a, 199, 201, 201a, 203a, 203b, 205, 205a, 207, 207a, 209, 252, 254, 256, 258

Fernleigh Court: 1, 20

## Summary of Responses

- Site is on a busy corner. The addition of 10 flats will increase the traffic problems
- 11 Car parking spaces are not sufficient as each flat will have two cars
- Design is clever, but needs to be scaled back
- Building is too high and should be a normal two-storey building the same height as Laura Court
- Proposal would result in overspill parking on already congested neighbouring roads

- Access for residents must be maintained during construction
- Development should have access onto Headstone Lane not Fernleigh Court
- No indication of proposed materials
- Density of the building is too high and not compatible with Metroland plan aspiration

## **APPRAISAL**

### Conformity of the Local Plan with the National Planning Policy Framework

The Inspector's report on the Harrow Core Strategy concluded that the Core Strategy is in conformity with the National Planning Policy Framework.

To the extent that policies in The London Plan (2011) and the saved policies of the Harrow Unitary Plan (2004) are referred to in this appraisal, it is considered that they may be given due weight insofar as they are consistent with the National Planning Policy Framework.

### Emerging Development Management Policies Development Plan Document

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 form a part of the emerging Local Development Framework for the Borough and will eventually replace the Harrow Unitary Development Plan (2004) when adopted.

This document has been subject to two rounds of consultation; between 13 May 2011 and 24 June 2011 on the Council's Preferred Options, and between 27 July 2012 and 7 September 2012 on the Pre-submission Draft document. This 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 DPDs as a response to representations received as a result of the Pre-submission Consultation.

Following the hearings and in response to issues raised by the Planning Inspector and participants the Council has published a schedule of Post Hearings Main Modifications for consultation. The consultation runs until Friday 3rd May and seeks representations on the Main Modifications (only) in terms of the tests of soundness set out at paragraph 182 of the NPPF.

Although the emerging Development Management Policies DPD does not form part of the Statutory Development Plan for the London Borough of Harrow, it can be accorded significant weight as a material planning consideration.

## **MAIN CONSIDERATIONS**

- 1) Principle of the Development
- 2) Character and Appearance of the Area
- 3) Residential Amenity
- 4) Housing Provision and Accessibility
- 5) Traffic and Parking
- 6) Contaminated Land
- 7) Sustainability Considerations
- 8) Affordable Housing
- 9) Equalities Statement

- 10)S17 Crime & Disorder Act
- 11)Consultation Responses

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

The Harrow Core Strategy sets out the strategic vision for the development of the borough.

Part of this strategic vision is the provision of an additional 6,050 homes between 2009 and 2026.

The application site is occupied by a former petrol filling station and car sales and repair business. As such, the site is previously developed land which is considered suitable for redevelopment by the National Planning Policy Framework and the Harrow Core Strategy.

The principle of the loss of the petrol filling station and the change of use of the land to residential is considered acceptable as the proposal would introduce a more appropriate use to this site in a residential area, and there is a reasonable supply of alternative petrol filling stations in the borough.

The proposed redevelopment would provide 10 two-bedroom flats, which represents a residential density of 70 dwellings per hectare. This is within the range recommended in table 3.2 attached to policy 3.4 of The London Plan (2011).

The proposal would provide 11 car parking spaces. This is consistent with the guidance in policy 6.13 of The London Plan. This aspect of the proposal is addressed in greater detail in section 5 of this appraisal.

The site is considered to be contaminated land, but the level of contamination is not so significant that a residential use is unsuitable for this location. This aspect of the proposal is addressed in greater detail in section 6 of the appraisal.

Therefore, on balance, it is considered that, subject to suitable conditions, the principle of the proposed would assist in the delivery of new housing in the borough and is considered acceptable.

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

Policy CS1.B of the Harrow Core Strategy (2012), policies 7.4 and 7.6 of The London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004) require that new development should have a high standard of design and layout and should complement the context in which it is located.

The application site is an area in which no one architectural style prevails.

The application proposes a building that would have the appearance of two linked two-storey buildings with accommodation in the roofspace arranged such that the building line reflects the curve in Headstone Lane fronting the site. The proposed development would not be higher than surrounding properties, and each of the two substantive elements would be of a scale and bulk that is commensurate with development in the area.

The building lines of the structure have been designed to reflect the curve in the road and adjoining properties at 252-254 and 242-244 Headstone Lane such that the proposal would not result in an unduly prominent feature in this location.

The proposal does introduce some features that are not prevalent in the area such as front and side dormers, and the link feature between the two full-height elements. This is not fully in accordance with advice given by officers at the pre-application stage, which expressed a preference for two self-contained blocks. However, it is noted that the central link would be a subservient feature compared to the two full-height sections. This would serve to break up the overall bulk of the building, and the angling of the two sections would further mitigate the appearance of bulk and addresses the pattern of development in the area.

Outline details, but no samples, of the proposed materials for the development have been supplied, although the application form states that the walls would be facing brickwork and three-course contrasting brick band with tiling on the roof. It is therefore recommended that this be addressed by way of a suitable condition to ensure that the materials used on all external surfaces respect those of adjacent properties and would be appropriate in this location.

The submitted drawings show some indicative landscaping and boundary treatments. Policy 5.10 of The London Plan and saved policy D9 of the Harrow Unitary Development Plan require new developments to enhance forecourt greenery and streetside greenness. Therefore, suitable landscaping conditions for the whole of the site are recommended.

It is noted that the submitted drawing for the refuse store shows 2 x 1,100 litre bins. The Council's requirements are that for a development of this scale, 2 x 1,280 litre bins for materials for reuse and recycling and 2 x 1,100 litre bins for residual waste are provided. There is scope within the site for these to be provided. Therefore, notwithstanding the details on the submitted drawings, a condition requiring details of refuse storage facilities to be submitted and approved is recommended.

### **3) Residential Amenity**

Policy 7.6 of The London Plan and saved policy D5 of the Harrow UDP require that new development provide adequate amenity space and that the amenities of neighbouring occupiers are safeguarded.

There are residential properties adjoining the site, with the closest properties being 252/254 Headstone Lane and 1 Fernleigh Court. The nearest residential façade in Headstone Lane would be 11m from the proposed development, and the nearest façade in Fernleigh Court would be 23m from the proposed development. It is noted that neither of these façades contain habitable windows. These separations are considered adequate to safeguard the visual amenities of neighbouring occupiers.

The building lines of the proposed building are such that the proposal would be in line with front and rear elevations of adjacent buildings and would not have an overbearing impact with respect to neighbouring properties.

The proposed building would have secondary habitable windows facing Nos. 252/254 Headstone Lane. This block of maisonettes has windows in the flank elevation. However, these windows to the maisonettes serve bathrooms and landings and are not considered protected or habitable windows. It is considered that the flank windows at the proposal building would not result in undue overlooking of these non-habitable windows and the proposal is considered acceptable in this regard.

The proposed parking area would be close to the gardens of No. 1 Fernleigh Court and 252/254 Headstone Lane. However, it is considered that suitable landscaping, such as fences and shrub planting, would be sufficient to safeguard the residential amenities of those adjoining properties.

With respect to the amenities of the future occupiers of the proposed flats, a communal garden area is proposed which is considered acceptable. No details of safeguarding for the privacy of the occupiers of the ground floor flats are shown on the submitted drawings. However, measures for ensuring that the ground floor flats are not overlooked from the garden area can be secured through the landscaping condition.

In addition, each of the flats would have a minimum floor area of 70 square metres, which complies with the requirements of policy 3.5 of The London Plan.

#### **4) Housing Provision and Accessibility**

Policy 3.8 of The London Plan, saved policy H7 of the Harrow UDP and policy CS1.I of the Harrow Core Strategy require that a suitable mix of dwelling sizes be provided in new developments.

It is noted that this proposal would only provide two-bedroom flats. However, it is noted that in the London Borough of Harrow, as described in the most recent Housing Needs Survey, there is a significant need for two-bedroom properties, and therefore this provision is considered acceptable.

Policies 3.5 and 7.2 of The London Plan, policy CS1.K of the Harrow Core Strategy and saved policies D4 and C16 of the Harrow UDP require that all new dwellings should comply with the Lifetime Homes criteria. Furthermore, these development plan policies, as amplified by Supplementary Planning Document: Accessible Homes (2010), require that 10% of all new housing comply with Wheelchair Home standards.

The submitted drawings indicate that the proposal would be in accordance with these standards.

#### **5) Traffic and Parking**

The proposal makes provision for 11 parking spaces, one electric vehicle charging point and secure storage for ten bicycles.

In terms of parking provision, table 6.2 attached to policy 6.13 of The London Plan recommends that for two-bedroom flats, less than one space per dwelling be provided. Since The London Plan was adopted, the Mayor has amplified housing policies with Housing: Supplementary Planning Guidance (2012). This recommends that for suburban development of two-bedroom properties in an area with a PTAL rating of 3-4, then up to 1.5 car parking spaces per dwelling can be provided. These are maximum parking standards.

Given the proximity of Headstone Lane Station and bus route along Headstone Lane, a provision of 11 parking spaces, which is less than the maximum of 15 that could be provided in accordance with London Plan standards, is considered appropriate.

The level of traffic activity associated with a development of this type is less than previous uses and would amount to approximately 5 vehicles entering and leaving the premises at peak hours. This figure is considered to be *de minimis* in measurable highway impact terms as compared to overall traffic flows in the area and therefore the proposal is



acceptable in this regard.

It is noted that there are physical restrictions on car parking in Fernleigh Court and other nearby streets. These constraints are the narrowness of Fernleigh Court itself and the non-availability of surplus on-street parking in the immediate area. It is considered that these on-site and off-site parking restrictions, when viewed in combination with the housing type, are sufficient to constrain levels of car ownership at the proposed development. Therefore, any impact on parking in nearby streets would not be so significant as to warrant refusal of the application on this ground.

The proposed new access at Fernleigh Court would provide adequate sight-lines and the levels of traffic flows are acceptable at this access point, and there would be no need for either of the existing accesses to Headstone Lane to be retained.

The proposed location of the refuse storage area could be adequately serviced.

Notwithstanding the above, construction traffic could have a detrimental impact on the amenity and safety of the area, and therefore a full construction logistics plan should be submitted to, and approved, by the local planning authority and implemented by way of a suitable condition.

The proposal includes the provision of secure storage for 10 bicycles, which is in accordance with policy 6.9 of The London Plan.

## **6) Contaminated Land**

The applicants have submitted a preliminary risk assessment of contamination at the site.

This study notes that the site has historically potentially contaminative land use.

The study also notes:

'Three tanks of single steel construction date from 1972 are present on site. There are presumed to be 10 old tanks on site. Their location is unclear.

'The tanks, filling points and ancillary pipework are considered to be a potential source of contamination by petroleum hydrocarbons and metals.

'Multi chamber interceptor drains in the south eastern corner of the site are considered to be a potential source of contamination by petroleum hydrocarbons and metals.

'Groundwater has not been severely impacted by site activities

'No radon protection measures are required

'Further testing would be required, and appropriate remediation measures implemented.'

Given that the site is known to be contaminated, suitable conditions regarding investigation and remediation are recommended, as required by policy 5.21 of The London Plan and saved policy EP22 of the Harrow UDP.

## **7) Sustainability Considerations**

The applicants have submitted a sustainability statement that demonstrates that the proposal would comply with Level 4 of the Code for Sustainable Homes, as required by policies 5.2 and 5.3 of The London Plan.

Policy 5.13 of the London Plan and saved policy EP12 of the Harrow UDP require that new developments provide sustainable drainage and do not result in surface water run-off. These policies are amplified in the Harrow Strategic Flood Risk Assessment (2009).

No details of drainage have been provided, and therefore, in order to ensure that the proposal does not result in surface water run-off, conditions requiring details of surface water drainage, storage and attenuation are recommended.

### **8) Affordable Housing**

The applicants have submitted a housing viability study which has been reviewed by the Council housing enabling department. This report concludes that the provision of affordable housing is not viable on this site.

Notwithstanding this, policy CS1.J of the Harrow Core Strategy requires the maximum reasonable provision of affordable housing.

Therefore, a requirement for the applicant to enter into a legal agreement to allow for the reappraisal of the viability prior to the occupation of 80% of the units on the site is recommended, with the provision that 50% of the surplus residual value above the agreed land value benchmark be paid to the Council as a contribution towards the provision of affordable housing in the borough.

### **9) Equalities Statement**

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. The equality impacts of the proposal could have an impact on the ability of persons with mobility impairments to use the premises. However, the proposal complies with the relevant planning requirements with regards to lifetime homes, which ensures that homes are readily adaptable to cope with people's changing needs.

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

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

The applicants have stated that the proposal would comply with the principles of Secured by Design.

In order to ensure that the proposal does not present opportunities for crime and disorder, a condition requiring details of compliance with the requirements of Secured by Design is recommended.

### **11) Consultation Responses**

Site is on a busy corner. The addition of 10 flats will increase the traffic problems; 11 Car parking spaces are not sufficient as each flat will have two cars; Proposal would result in overspill parking on already congested neighbouring roads; Access for residents must be

maintained during construction; Development should have access onto Headstone Lane not Fernleigh Court – *these issues have been addressed in the Traffic and Parking Section of the appraisal*

Design is clever, but needs to be scaled back; Building is too high and should be a normal two-storey building the same height as Laura Court; No indication of proposed materials – *these issues have been addressed in the character and appearance of the area section of the appraisal*

Density of the building is too high and not compatible with Metroland plan aspiration – *this issue has been addressed in the Principle of Development and Housing Provision sections of the appraisal*

## **CONCLUSION**

The proposal would provide an additional 10 dwellings in a building that would not be out of character with the pattern of development in the locality. The redevelopment of the site would allow for improvements to the landscaping at the site and would not have significant impacts on the residential amenities of neighbouring occupiers or on traffic and highway safety in the vicinity.

## **CONDITIONS**

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

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

2 Other than as required by conditions 5, 7, 8, 11, 12, 13, 14, 15, 16 and 17 the development hereby permitted shall be carried out in accordance with the following approved plans:

LP01; 12/3282/1 Rev A; 12/3282/2 Rev A; 12/3282/3 Rev A; 12/3282/4 Rev A; 12/3282/5 Rev A; 12/3282/6; 12/3282/7; Planning, Design and Access Statement; Sustainability Statement; Financial Viability Appraisal by Affordable 106; Desk Top Study Report by The Brownfield Consultancy

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

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

a: the buildings

b: the ground surfacing

c: the boundary treatment

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

REASON: To safeguard the appearance of the locality, as required by saved policy D4 of the Harrow Unitary Development Plan (2004).

4 No demolition or site works in connection with the development hereby permitted shall commence before the boundary of the site is enclosed by a close boarded fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety, as required by saved policy

D4 of the Harrow Unitary development Plan (2004).

5 Notwithstanding the details on the submitted drawings, the development hereby permitted shall not be occupied until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed.

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

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

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

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

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

7 Notwithstanding the details on the submitted drawings, the development hereby permitted shall not be occupied until a scheme for the storage and disposal of refuse/waste has been submitted to, and approved in writing by, the local planning authority.

The use hereby permitted shall not be commenced until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties, as required by saved policy D4 of the Harrow Unitary Development Plan (2004).

8 The existing accesses shall be closed when the new access from Fernleigh Court hereby permitted is brought into use, and the highway shall be reinstated in accordance with details to be submitted to, and approved by, the local planning authority. The development shall not be used or occupied until the reinstatement works have been completed in accordance with the approved details. The works shall thereafter be retained.

REASON: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway, as required by saved policies D4 and T6 of the Harrow Unitary Development Plan (2004).

9 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)

10 The proposed parking spaces shall be used only for the parking of private motor vehicles in connection with the development hereby permitted and for no other purpose.

REASON: To ensure that the parking provision is available for use by the occupants of the site and in accordance with the Council's parking standards, in accordance with saved policies D4 and T13 of the Harrow Unitary Development Plan (2004).

11 The development hereby permitted shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 5.21 of The London Plan 2011 and saved policy EP22 of the Harrow Unitary Development Plan 2004.

12 The development hereby permitted shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works

and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 5.21 of The London Plan 2011 and saved policy EP22 of the Harrow Unitary Development Plan 2004.

13 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 5.21 of The London Plan 2011 and saved policy EP22 of the Harrow Unitary Development Plan 2004.

14 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 5.21 of The London Plan 2011 and saved policy EP22 of the Harrow Unitary Development Plan 2004.

15 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

REASON: To ensure that risks from land contamination to the future users of the land and

neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 5.21 of The London Plan 2011 and saved policy EP22 of the Harrow Unitary Development Plan 2004.

16 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water and surface water storage / attenuation works have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, as required by saved policies D4 and EP12 of the Harrow Unitary Development Plan (2004).

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

1. all main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';
2. all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

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

## **INFORMATIVES**

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

The decision to grant planning permission has been taken as the proposal would provide an additional 10 dwellings in a building that would not be out of character with the pattern of development in the locality. The redevelopment of the site would allow for improvements to the landscaping at the site and would not have significant impacts on the residential amenities of neighbouring occupiers or on traffic and highway safety in the vicinity.

The decision has been made having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy and the saved policies of the Harrow Unitary Development Plan 2004 as well as to all relevant material considerations including any responses to consultation.

National Planning Policy Framework (2012)

The London Plan (2011)

3.3 – Increasing housing supply

- 3.4 – Optimising housing potential
- 3.5B/C – Quality and design of housing developments
- 3.8B – Housing Choice
- 3.10 – Definition of affordable housing
- 3.11 – Affordable housing targets
- 3.12 – Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 – Affordable housing thresholds
- 5.2 – Minimising carbon dioxide emissions
- 5.3B – Sustainable design and construction
- 5.10 – Urban greening
- 5.13 – Sustainable drainage
- 5.21 – Contaminated land
- 7.2C – An inclusive environment
- 7.3B – Designing out crime
- 7.4B – Local Character
- 7.6B – Architecture
- 6.9B – Cycling
- 6.13C/D – Parking

Housing: Supplementary Planning Guide (2012)

Harrow Core Strategy (2012)  
Core Policies CS1(A, B, I, J, K, S, R)  
Core Policy CS5

Harrow Unitary Development Plan (2004)  
EP12 – Control of Surface Water Run-off  
EP22 – Contaminated Land  
D4 – The Standard of Design and Layout  
D5 – Residential Amenity  
D9 – Streetside greenness and forecourt greenery  
H7 – Dwelling Mix  
T6 – The Transport Impact of Development Proposals  
T13 – Parking Standards  
C16 – Access to Buildings and Public Spaces

Supplementary Planning Document: Accessible Homes (2010)  
Supplementary Planning Document: Residential Design Guide (2010)  
Code of Practice for the storage and collection of refuse and materials for recycling in domestic properties (2008)  
Harrow Strategic Flood Risk Assessment (2009)

Draft Harrow Development Management Policies Development Plan Document (2012)  
DM1 – Achieving a High Standard of Design and Layout  
DM2 – Achieving Lifetime Neighbourhoods  
DM16 – Managing Flood Risk  
DM17 – On Site Water Management on Surface Water Attenuation  
DM19 – Sustainable Design and Layout  
DM22 – Prevention and Remediation of Contaminated Land  
DM31 – Streetside Greenness and Forecourt Greenery  
DM32 – Housing Mix



## 2 SURFACE WATER DRAINAGE

The applicant is advised to liaise with the Council's Drainage Engineers (Tony Donetti on 020 8416 8347 [tony.donetti@harrow.gov.uk](mailto:tony.donetti@harrow.gov.uk)) to ensure that a suitable form of surface water drainage is provided.

## 3 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 4 CDM REGULATIONS 1994

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

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

## 5 COMPLIANCE WITH PLANNING CONDITIONS REQUIRING SUBMISSION AND APPROVAL OF DETAILS BEFORE DEVELOPMENT COMMENCES

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.

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

## 6 GRANT WITH PRE-APPLICATION ADVICE

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

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

## 7 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 £29,330 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 proposed building.

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

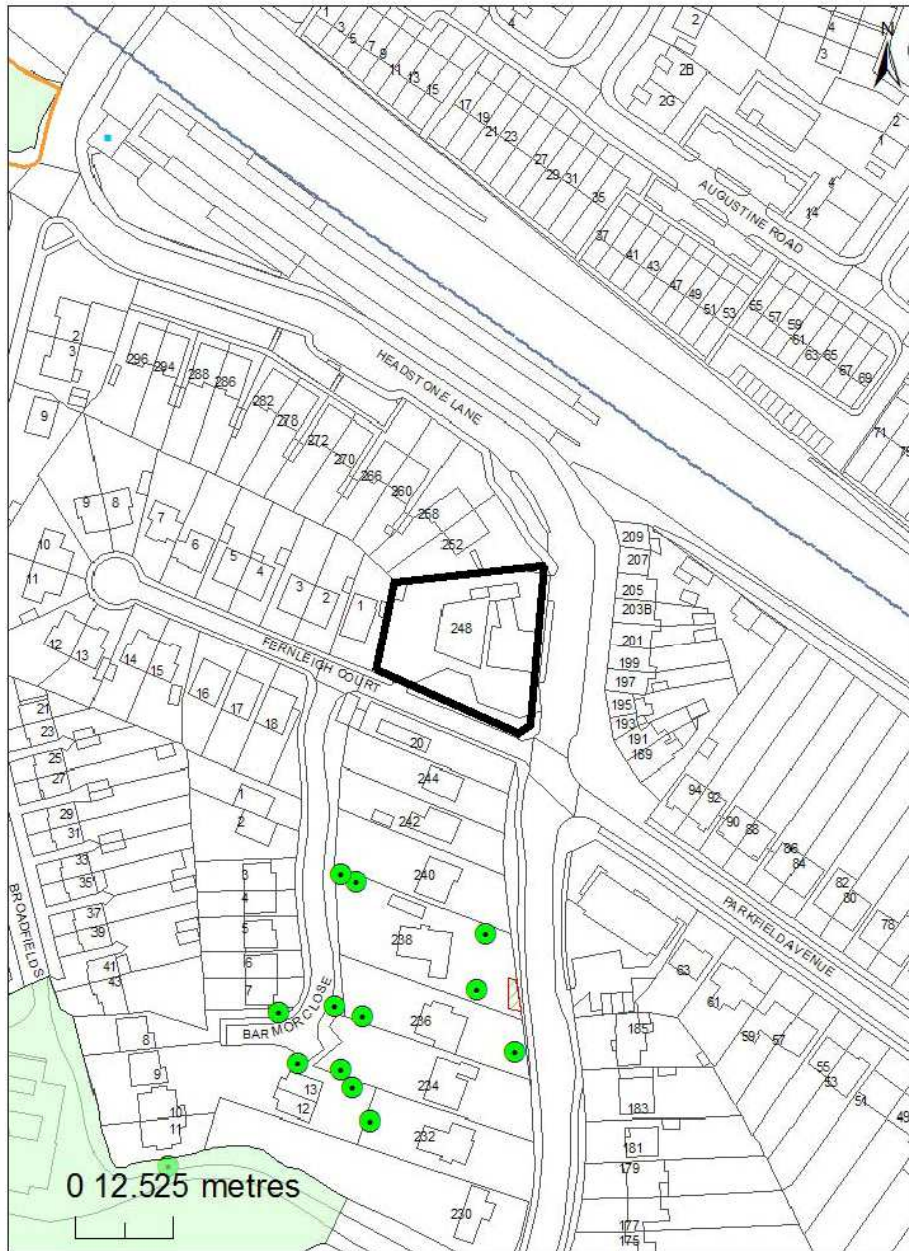
Your proposal is subject to a CIL Liability Notice indicating a levy of £29,330 for the application, based on the levy rate for Harrow of £35/sqm and the stated new floorspace of 838sqm.

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

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

Plan Nos: LP01; 12/3282/1 Rev A; 12/3282/2 Rev A; 12/3282/3 Rev A; 12/3282/4 Rev A; 12/3282/5 Rev A; 12/3282/6; 123282/7; Planning, Design and Access Statement; Sustainability Statement; Financial Viability Appraisal by Affordable 106; Desk Top Study Report by The Brownfield Consultancy

## 248 HEADSTONE LANE, HARROW



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## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No. 2/01  
Address: 53 - 61 COLLEGE ROAD, HARROW  
Reference: P/0122/13  
Description: CHANGE OF USE FROM OFFICE BUILDING (USE CLASS B1) TO RETAIL GYM AND EDUCATION (USE CLASS A1 D2 AND USE CLASS D1)  
Ward: GREENHILL  
Applicant: HARROW THE HUB INVESTMENTS LTD  
Agent: PRESTON BENNETT PLANNING  
Case Officer: ANDREW RYLEY  
Expiry Date: 17/04/2013

### RECOMMENDATION

**GRANT** permission for the development described in the application and submitted plans.

### REASON

The proposed change of use of the building from an office (Class B1) in Harrow town centre to a mix of retail (Class A1), gym (Class D2) and education (Class D1) uses is considered to be acceptable in planning policy terms for this location, and also brings an active use at ground floor level along College Road. The proposal would not result in the unacceptable loss of residential amenity for the neighbouring occupiers, and matters of transport and highway impacts can be mitigated through the use of planning conditions. 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), as well as to all relevant material considerations including any responses to consultation.

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

**Council Interest:** None

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

### Site Description

- The application site comprises an eight storey building located on the north of College Road, adjacent to Harrow on the Hill station.
- To the immediate east of the application site lies the former Post Office site, which has been subject to planning applications for redevelopment previously (P/1620/08CFU), and to the north is St Ann's Shopping Centre, which is accessed from College Road (and St Ann's Road).

- The subject building was previously occupied by First National House bank, and as such is often referred to as this, although the applicant has now re-labelled the building the 'Harrow Hub'.
- Pedestrian access to the building is gained directly to the front from College Road into a communal foyer area. Vehicular access is also achieved directly from College Road, down a ramp to two basement floors of car parking that provides approximately 96 car parking spaces.
- The application site is within Harrow Metropolitan Centre, as set out in the Council's Unitary Development Plan (2004), but is not within a defined shopping Primary or Secondary frontage.
- The application site is not within in a Conservation Area nor within the setting of a Listed Building; the site is not within a Flood Risk Zone. The site is, however, within Controlled Parking Zone D, which restricts parking Mon - Sat 8:30am - 6:30pm.
- As noted above, the site is immediately adjacent to Harrow on the Hill station, which provides mainline services between Aylesbury and London Marylebone and London Underground services on the Metropolitan Line, and Harrow Bus Station is located next to this. As such, the site has an accessibility rating of PTAL 6B, which is the most accessible.

### **Proposal Details**

- The application proposes the change of use of the building from an office (Use Class B1) to a mix of retail, gym and education (Use Class A1, D2 and D1).
- The retail element would be on the ground floor and comprise 625m<sup>2</sup> floorspace, the gym element would be on the first and second floors and would comprise 1,488m<sup>2</sup> floorspace and the education use would be on the upper floors (three to seven) and comprise 3,696m<sup>2</sup> floorspace.
- Some minor external changes are proposed to the front of the building, which would consist of a new entrance door to the proposed gym to the immediate right of the existing main doors.
- The proposed plans do indicate that the levels to the front of the proposed retail unit would be altered, but the applicant has confirmed that these do not form part of this application and would apply for the necessary consents should planning permission for the change of use be granted.

### **Relevant History**

- N/A

### **Pre-Application Discussion (PAM/ENQ/00179), issued 11/11/2011:**

- No principal objection to a change of use from wholly B1 offices to a mixed use development. However, in order for such an application to be considered favourably, you would need to satisfy saved Policy EM15 of the Harrow Unitary Development Plan (2004).
- The mix of uses will be very important, and as stressed above, any new scheme should include an element of B1 offices, designed so as to more suit the current local demand.

### **Applicant Statement**

- The application seeks the change of use of all of the floorspace within The Hub from B1 office space.
- This change of use is proposed as a result of extensive marketing for the

building's existing use since June 2011, as demonstrated in the accompanying Marketing History Report. During this period and despite the extensive marketing efforts outlined, there has been no firm interest in the building from B1 users. Given the serious and contractual interest of three users to occupy the property, the proposed change of use and supporting proposed layout plans tailors to their purpose and requirements.

- In the context of the evidenced marketing efforts to secure tenants for the building operating under its current use, it is considered that the proposed replacement uses are wholly appropriate, being compatible to improving the vitality and viability of a town centre whilst re-introducing employment by bringing the redundant building back in to economic use.
- All three proposed uses are recognised as appropriate for town centre locations, and it is not necessary to consider the sequential approach to site selection required under NPPF Paragraphs 24-27. The application proposals seek to bring an iconic town centre building back in to economic use, with significant benefits to the economy of Harrow town centre where there are currently none, and in full accordance with NPPF policies intended to ensure the vitality and viability of town centres to create a prosperous economy.

### **Consultations**

Planning Policy: No objection, application is consistent with the Development Plan and emerging policies.

Highway Authority: No objection, subject to planning conditions.

Transport for London: No objection, initial concerns raised regarding servicing have been resolved.

Roxborough Residents Association: Objects to some, but not all of the proposal. Notes that the site is adjacent to the old post office site (known as the 'Dandara' site), and considers that the two sites should be treated as a whole for the future of Harrow town centre. Objects to the use of the retail as a Tesco Express, given that there are already a number of Tesco stores within Harrow. Also objects to the proposed 24 hour gym, querying whether it is required in Harrow where there are already a number of gyms operating, and a new 24 hour gym has recently opened in North Harrow, commenting that it would be sensible to monitor this one before giving permission to another gym. Finally, support the use of the building for educational purposes.

### **Advertisement**

Major Development – Expired 07/03/2013

### **Notifications**

Sent: 7

Replies: 1 objection; 1 support

Expiry: 27/02/2013

### **Summary of Responses**

- Support the reuse of the building, but overall objects, raising concerns over the proposed gym element, noting that there are three other gyms operating in central Harrow. Cites concerns with Tesco using the proposed ground floor retail, in the context of the other Tesco stores already in existence and refers to the Area Action Plan, which stresses the importance of retail diversity. Identifies that an independent

butcher or delicatessen would be acceptable.

- One letter of support has been received from Dandara Ltd, the owners of the adjacent former post office site. The support is based on the view that the proposed mix of uses would be beneficial to the town centre, which is an ideal location for them, and would bring vibrancy in an area of the town that has lacked investment.

## **APPRAISAL**

The National Planning Policy Framework [NPPF] which consolidates national planning policy has been adopted and 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 made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

In this instance, the Development Plan comprises The London Plan (2011), Harrow's Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan (2004) [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

While this application has been principally considered against the saved policies in the Harrow Unitary Development Plan (2004) some regard has also been had to relevant policies in the Harrow and Wealdstone Area Action Plan (AAP) 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, and between 27 July 2012 and 7 September 2012 on the Pre-submission Draft document. The DPD has now been subject to an Examination in Public which was conducted between 22/01/2013 to 30/01/2013. Before this, a 4 week consultation took place between 11 October 2012 and 8 November 2012 on the Council's Proposed Minor Modifications to the DPD as a result of responses received to the Pre-submission Consultation.

## **MAIN CONSIDERATIONS**

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

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

#### ***Adopted and Emerging employment policy***

At the current time, the Development Plan comprises The London Plan (2011), Harrow's Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan (2004) [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

On 8th October 2012, following two stages of formal public consultation in 2011 and

2012, the Council submitted the Harrow & Wealdstone Area Action Plan to the Planning Inspectorate for independent Examination in Public. A consultation on 'minor modifications' was carried out during Oct/Nov 2012 and public hearings were held in late January 2013. On 21<sup>st</sup> March 2013 the Council commenced a six week consultation on further modifications to the AAP (and other DPDs). The Inspector's report, which will take into account of these modifications and any consultation responses, is expected May/June. In the context of NPPF paragraph 216, the Council considers that the provisions of the emerging AAP may be given due weight in the decision making process.

The London Plan (2011) Policy 4.3 *Mixed Use Development and Offices* advises boroughs to develop local approaches to mixed-use development and office provision pursuant to the strategic objective to support consolidation and qualitative enhancements in provision.

Harrow's spatial strategy seeks to focus office stock consolidation and renewal upon Harrow town centre to help secure the long-term vitality of the Metropolitan Centre. Policy CS1 O of the Core Strategy (2012) promotes a 'monitor and manage' approach to the release of surplus stock and Policy CS1 P seeks employment generating development and economic diversification through mixed use development (deferring to criteria for release in subsidiary plans). Similarly, Policy CS2 F promotes the consolidation and renewal of office stock in Harrow town centre with appropriate provisions in the AAP. The context for this part of the spatial strategy and the policies that flow from it is Harrow's Employment Land Study (2010) which forecasts for the plan period an overall surplus of all types of employment land, but within that a qualitative and modest quantitative need for new office floorspace to meet local business needs. Harrow's AMR (2010) shows that 22,300m<sup>2</sup> B1 office floorspace has been lost over the period 2009/10 to 2011/12 but that office vacancy rates remain stubbornly high: 14.95% for the Borough as a whole and 21.55% in Harrow town centre in 2012.

Saved Policy EM15 of the Harrow Unitary Development Plan (2004) resists the loss of B1 floorspace unless it can be demonstrated that the site is no longer suitable or required for employment use. The policy contains a number of criteria for assessing proposals in these regards. However, in accordance with the advice contained in Annex 1 of the NPPF and the consistency of emerging local policies with the NPPF, London Plan (2011) and Harrow's own Core Strategy, it is considered that the relevant provisions of the emerging Harrow & Wealdstone Area Action Plan (AAP) should be given more substantial weight in this case.

Policy AAP16 *Supporting the Service Sector in Harrow Town Centre* of the emerging AAP supports mixed use conversions of offices of 1,000m<sup>2</sup> or greater where the conversion would provide viable new office floorspace at least equivalent in potential employment yield to the existing office floorspace. The reasoned justification to the policy sets out the ratios to be used in calculating the employment yield of existing and new office floorspace. Using the ratio for existing floorspace it is calculated that the application premises has an employment yield of 282 jobs. The proposal does not make provision for any replacement office floorspace as sought by Policy AAP 16 (C).

***Adopted and emerging town centre, leisure and education policies***

Although the proposal would not provide any replacement office floorspace, it would provide significant amounts of new retail, leisure and education floorspace.

The London Plan (2011) Policy 4.7 *Retail and Town Centre Development* gives effect to



national policy by focusing retail and leisure development to town centres, where the scale is related in terms of the size, role and function of the centre. Policy 3.18 *Education Facilities* supports proposals for change of use to education purposes, and again this is consistent with the Government's commitment to ensuring sufficient choice of school places expressed at paragraph 72 of the NPPF.

Harrow's spatial strategy is to strengthen Harrow town centre's role as a Metropolitan Centre through increased retail, leisure and hotel provision, providing for a significant increase in local jobs in these sectors. Policy CS1 L of the Core Strategy (2012) directs major retail and leisure development to Harrow town centre. Policy CS2 H directs convenience goods retail development and key community uses to the town centres of Harrow and Wealdstone, and supports uses that will help to develop an evening economy such as leisure uses. The context for this part of the spatial strategy and the policies that flow from it are projections produced as part of Harrow's Employment Land Study (2010) that the service sector provides the greatest potential for jobs growth in the Borough over the plan period.

Policy EM5 relating to new retail and leisure development was deleted upon adoption of the Core Strategy in February 2012. Saved Policy R13 of the Harrow Unitary Development Plan (2004) encourages dual use of new recreation facilities. Saved Policy C7 of the Harrow Unitary Development Plan (2004) provides criteria for new educational facilities relating to need, accessibility and safety.

Policy AAP 1 *Development within Harrow Town Centre* requires proposals to contribute to meeting the needs of the town centre in terms of retail, office, leisure, community and residential uses, and to incorporate a mix of ground floor uses including retail, leisure and community, to increase the town centre's vitality. The AAP cross refers to Policy DM41 *Evening Economy* and DM46 *New Community, Sport and Education Facilities* both of which indicate support for the types of use proposed within a town centre location.

### ***Reconciliation of employment and town centre, leisure and education policies***

The proposal would involve the loss of 5,809m<sup>2</sup> office floorspace from the town centre without any viable replacement provision, equivalent in employment yield, as sought by Policy AAP 16. Based on the ratio for new office floorspace cited in the reasoned justification to the policy, a floor area of 3,892m<sup>2</sup> would be needed to produce an equivalent number of office jobs. However, the consolidation and renewal of Harrow town centre's office stock is one part of the spatial strategy to be balanced, in this case, against the delivery of new retail, community and education uses and the role that these will play in strengthening Harrow town centre's Metropolitan Centre role and in economic diversification through the delivery (directly) of service sector jobs and (indirectly) in supporting the retail and the evening economy of the town centre.

The site is not within Harrow town centre's primary shopping area, but as the proposal is for convenience retail (such as a Tesco Express identified as a potential tenant) this would not be at odds with Core Strategy or AAP policies. Indeed, the proposal is considered likely to increase footfall on this side of College Road and in so doing would add to the vibrancy of this part of the town centre.

The gym is considered to be a leisure use and its location in Harrow town centre is therefore entirely consistent with Harrow's spatial strategy and local policies. It is stated that the gym would be a 24 hour operation and it is therefore considered that this component would increase evening and night time activity and would help to create a

diverse evening economy for the town centre. It is also stated that the gym would employ 15 full time staff.

St. Patrick's College would occupy the upper floors of the building and approximately 64% of the floorspace of the building. The proposal would be a satellite campus of the College's main central London operation and would offer nationally accredited full time and part time courses. It is stated that the College would employ 70 full and part time staff and that a total of 1,600 students would be enrolled (with a maximum of 400 students on the site at any one time). Teaching hours would be 10.00am until 5.30pm Mon to Sat. It is considered that this component of the proposal would therefore restore and possibly increase footfall associated with the buildings previous use as an office, and in so doing help to support shops, services and entertainment facilities within the town centre.

The applicant has submitted a marketing report which indicates that the building was vacated by its last occupier in 2011 and that it was marketed (at that time) online, through the display of on-site letting boards and by targeting mail shots to potential occupiers. New owners took possession in late 2011 and carried out a further marketing campaign in January 2012 with a dedicated website, a bespoke brochure and a mailing (to over 1,000 commercial agents) in Jan-Mar, and again Apr-Jun, and to specific office occupiers in Sep-Dec. It was also advertised in the Estates Gazette and in local press. No suitable office occupiers emerged as a result of this extensive campaign but interest from occupiers for other uses including residential was forthcoming.

In view of the positive contribution that the uses proposed are likely to make to the vibrancy of this part of the town centre, and their potential to generate employment and economic benefits in their own right, it is considered that the proposal is consistent with Core Strategy and AAP objectives for the town centre notwithstanding the failure to provide replacement floorspace as sought by Policy AAP17. It is therefore considered that the application can be supported in policy terms.

It is noted that the Roxbrough Residents Association and a local resident, whilst supporting the reuse of this vacant building, have raised concerns regarding both the retail and gym elements of the scheme. In relation to the retail element, the concerns seem to focus predominantly on the end user – i.e. Tesco – rather than the principle of retail in itself. When assessing the merits of this application, the Council can only consider material planning considerations, and the potential tenant for this space is not one of them. Whilst it is positive that, on the one hand, the applicant has been able to secure tenants to occupy the building should the Council grant planning permission, the Council is considering the change of use of the building, and not the brand of the company that may occupy it. The applicant has applied for permission for the ground floor to be a retail (Use Class A1) use, and, as set out above, this is considered to be acceptable with regards to Development Plan policies. Should it be granted, this space could then be occupied by any company for the purpose of retail activities, be that Tesco or anybody else.

Similarly, the concerns raised regarding the proposed gym are noted. It is true that there are a number of gyms operating in and around central Harrow, and that a new gym has recently opened in North Harrow. However, it is not for the Council to try and regulate market forces, and if it is the case that the applicant considers this to be a viable commercial option (which, given that they have such a tenant agreed, would seem to suggest so), it would not be reasonable for the Council to refute this if, as is the case, this

part of the application is also consistent with Development Plan policies.

In addition to the above, the applicant, noting the concerns raised in respect of the retail and gym parts of the proposed scheme, has provided the following response to these concerns:

Proposed retail use:

- *Tesco have been named as part of the application due to confirmed interest in the building and to assist in the determination of the scheme as a result of known specific operational requirements, not least in respect of deliveries / servicing etc;*
- *The quantum of town centre retail floorspace does not trigger any retail study requirements, and Tesco or any other named retail operator could occupy should A1 use be granted;*
- *As a result, the application should not be prejudiced as a result of this named operator;*
- *We are not seeking a 'personalised consent';*
- *A convenience retail user would serve local employees, commuters, nearby residents, shoppers and other town centre users. Complemented by the other proposed uses, linked trips will benefit the wider town centre economy, in complete accordance with the Core Strategy and AAP objectives.*

Proposed Gym Use

- *The Gym Group have been named in the application due to confirmed interest in the building and to ensure the application is determined in full knowledge of their operational requirements, not least the 24hr nature of the operation.*
- *Whilst such a proposal is not assessed on a needs basis, The Gym would offer complete flexibility in respect of membership packages and structures;*
- *It is at the heart of their business model to ensure that local residential amenities would not be injured / disturbed. This is a heart of town centre location, with no immediate adjoining properties.*
- *As set out in the operations note appended to the Planning Statement, the 24hr operation will be manned and secure constantly;*
- *Such a town centre site, with excellent public transport accessibility and a considerable distance from residential properties is considered an ideal location for such a use.*

As such, it is considered that the change of use of the building to from Class B1 office floorspace (5,809m<sup>2</sup>) in Harrow town centre to Class A1 retail (625m<sup>2</sup>), Class D2 gym (1,488m<sup>2</sup>) and Class D1 education use (3,696m<sup>2</sup>) is acceptable in planning policy terms. A condition is recommended that sets out the approved floorspace use classes, for the sake of clarifying the planning permission.

## **2) Character 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. Development should not be harmful to amenities, should incorporate best

practice for climate change, provide high quality indoor and outdoor spaces, be adaptable to different activities and land uses and meet the principles of inclusive design.

Saved policy D4 of the Harrow 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.

The proposed changes, save for the new door at the front, do not include significant physical alterations to the building, and, given that the proposed uses are appropriate to the character of this town centre site, are considered acceptable.

### **3) Residential Amenity**

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

The site is predominantly surrounded by non-residential, commercial and other occupiers, such as the train and bus station and St Ann's Shopping Centre, in a very busy part of Harrow Metropolitan Centre. In terms of the proposed gym use, the applicant has advised *"There are no gym / dance classes which could cause disturbance with loud music and amplified instruction. From assessing existing premises, less than 10% of visits on average are between the hours of 10pm and 6am, with minimal attendance between midnight and 6am. The 24hr nature allows complete flexibility and the offer of a service to meet the needs of all members with otherwise limited opportunity, i.e. shift workers."*

This is noted, as is the fact that there are no residential properties immediately adjacent to the site. Obviously the Council could not control what type of gym would use the building, in terms of offering dance etc classes or not. Whilst no noise assessment has been submitted, one is not deemed to be required, but a planning condition is recommended that would restrict noise emanating from the gym use as part of the permission. Further, planning conditions are recommended that would restrict the hours of use for the retail and education uses of the building. As such, it is considered that the change in the use of the building would not result in any adverse impacts in this regard.

No physical changes are proposed to the building that would have an impact on neighbouring amenities.

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

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

The London Plan (2011) Policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel, reduce trip lengths and encourage use of other, more sustainable means of travel. The Parking Addendum to Chapter 6 of The London Plan (2011) sets out maximum parking standards for new development dependant upon their

use and level of public transport accessibility.

Saved policies T6 and T13 of the Harrow Unitary Development Plan (2004) state that the Council should have regard to the transport impact of development and whether a proposal is likely to create significant on-street parking problems and potential highway and traffic problems.

In broad terms this is an ideal location for the proposed uses given the ultra high level of public transport accessibility given the proximity of Harrow on the Hill train and bus stations combined with stringent parking controls over an extensive area which renders the site highly reliant on public transport which is of course encouraged and welcomed.

The Council's Highways Authority has advised that the proposed A1 retail and D2 gym use is unlikely to generate significant additional vehicle trips owing to continued linked trips generated by other and comparable destinations to and from this town centre location. Although there are other educational facilities within the proximity of the site, the proposed D1 educational use will be substantively dependant on public transport and will therefore be the most significant change to the current use profile. The existing underground car park consists of 96 parking spaces. It is proposed to restrain use of these spaces by allocating up to 10 spaces for disabled users of the facility with up to 30 secure and accessible cycle parking spaces within the basement area. The proposed level of cycle parking is below The London Plan (2011) standards, which require 1 space per 125 sqm food retail (5 spaces), one space per 110 staff and 20 visitors for gyms (5 spaces) and one space per 8 staff / students for colleges (60 in total), and so should be increased to a figure of at least 70 to cater for all of the proposed use classes, and so a planning condition is recommended to secure this. With the high sustainability of this location the Council encourages 'car free' development as far as is viably possible, and it is the case the remaining car park spaces are excluded from this planning application and their usage will be determined at a future date. In the interim a car park management plan will be required to be secured under condition in order to confirm the method of use of the aforementioned number of spaces for the three use classes subject of this application. This minimal on-site parking provision will further ensure that traffic generation is kept at bay.

Given that the recommendation for this application is for approval, and the majority of the existing car parking spaces would not associated with the new lawful uses of the building, it begs the question of what will result to this space. The applicant has advised that *“at present, none of the proposed tenants have sought / requested to use the existing underground car park... the owners understandably wish to keep their options open with regard potential future uses such as a managed commuter car park, long-term storage parking, or something similar which would dovetail with the proposed uses within this planning application. No decisions have been made at this stage, there is no such wider use sought for the car park as part of this application, and the relevant permissions would be sought as necessary in due course.”*

Clearly, there are limited alternative uses for this space, given the constraints of it being underground. The Council must be mindful that, should we grant planning permission, this would be for the mix of uses of the building (A1/D1/D2) and not the expected tenants as advised by the applicant. A different occupier may require a higher level of onsite parking. Through a carefully worded planning condition (as referred to above), this could be managed to allow updated details of the long term management strategy to be submitted to the Council, so the Council would remain in control of the transport impacts.

As to an alternative use such as private car park, this would require planning permission in its own right, and so any future application for this would need to set out how this would be managed in terms of matters of access and so on.

The Council's Highways Authority has advised that, in summary, the highway network is unlikely to suffer from any adverse impact in capacity terms. The public transport network would, however, be impacted, especially as a result of the educational use, although it is envisaged that the later opening time of the facility will encourage public transport travel outside of the peak hours in the morning where additional passenger capacity is available with a moderate increase during the evening rush hour. In both instances, however, the public transport network is expected to accommodate anticipated demand but with reduced spare capacity particularly in the evening peak. A framework travel plan has been submitted which addresses the broad parameters required to enhance the profile of sustainable travel to and from the site. To further encourage use of sustainable transport modes a travel plan should be secured via condition for each use, and a planning condition is recommended accordingly.

With regard to servicing the retail outlet, the applicant has suggested a number of options which include the dual use of the taxi rank bays in proximity of the address, or using the forecourt entrance to the car park as a loading/unloading area. It is anticipated that the scale and nature of retail outlet would demand a maximum of 1 large rigid type vehicle a day, and possibly 1 or 2 "Transit" sized deliveries.

The taxi ranks in College Road are not positioned directly outside the premises and hence are not fully conducive for servicing the address in proximity terms. However, the dual use of taxi rank bays is technically feasible, although these facilities are usually introduced as brand new provisions, rather than modified taxi ranks whereby there is a form of acceptance for both uses from the start of rank introduction. As Members are aware, taxi operators are understandably protective of their provisions, hence there could be the hypothetical scenario of a grant of planning permission based on this servicing provision which may not be delivered at the Traffic Regulation Order (TRO) amendment stage due to strong opposition. So the risk of not delivering this dual use provision is potentially high and hence is not recommended.

In terms of reversing onto the forecourt, as there is a high level of pedestrian and bus activity at this location, Transport for London (TfL) have correctly expressed concern with regard to vehicles attempting to reverse onto the access way toward the underground car park entrance during delivery periods. This manoeuvre would also inhibit traffic movement on College Road, albeit for a short period whilst a vehicle is reversing. Clearly, this is unacceptable on highway movement and safety grounds. However, the applicant has proposed for servicing to occur between the hours of 03.00 and 06.00am when the location is relatively dormant in both traffic and pedestrian terms. On balance, this is considered acceptable and the timing of the servicing regime would be secured by way of suitable condition which would restrict the 'window' of delivery times to that mentioned.

The remaining demands of servicing the site in terms of refuse collection will be achieved directly off College Road without the need to reverse into the site which is considered acceptable.

In terms of financial contribution to the public realm, Harrow on the Hill station requires substantive improvement in terms of access provisions in order to conform with the

Disability Discrimination Act (DDA) 2004/Equality Act (EA) 2010. The station was part of London Underground's step-free access programme however funding for this initiative is no longer available. The AAP for the identified area of intensification acknowledges the need for such improvements; hence there is an opportunity for a financial contribution to be sought toward such infrastructure improvements. As the additional footfall from the proposal would be potentially increased as compared to the previous B1 activity, it is likely that the station would serve a significant number of future new users. Hence it is considered reasonable to seek a contribution of £10,000 toward TfL's step free access programme. The applicant has advised that they are in agreement to this, and intend to submit a Unilateral Undertaking prior to the application being brought before the Planning Committee. Officers will update Members of this matter at the Planning Committee meeting.

#### **5) 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.

It is considered that the proposed development would not have any adverse crime or safety concerns.

#### **6) Equalities Statement**

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. The equality impacts of this application have been assessed and have been found to be in conformity to Section 149.

#### **7) Consultation Responses**

The majority of these are dealt with in the report above.

In terms of treating this site with the adjacent former post office site as one development, this can only be given very limited weight, given that the proposal is seeking the re-use of the existing building, and not full redevelopment, and also that the two sites are in completely different ownerships.

The applicant has stressed that "*The lack of progress on the adjoining site (in terms of securing a planning permission) should not hinder / delay the delivery of compatible development at The Hub*", and Officers would echo these sentiments in terms of securing the re-use of this building as quickly as possible.

#### **CONCLUSION**

The proposed change of use of the building from an office (Class B1) in Harrow town centre to a mix of retail (Class A1), gym (Class D2) and education (Class D1) uses is considered to be acceptable in planning policy terms for this location. The re-use of this now vacant office building for a mix of a retail, leisure and education uses would bring vitality and vibrancy to this part of Harrow Town Centre, and off-sets the loss of the office space. The development would also introduce an active retail frontage to College Road. The site is extremely well served by public transport, being located adjacent to Harrow on the Hill train and bus stations, and the applicant is proposing to make a financial contribution to TfLs step free access programme, given that the proposed use would rely on public transport. The external changes to the building are very modest and so do not raise any concerns, and it is not considered that the proposed change of use would result in any adverse impacts on neighbouring amenity, including the provision of a 24 hour use for the gym.

## **CONDITIONS**

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

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

2 The approved Class A1 retail premises on the ground floor shall not be open to the public except between the hours of 08.00 to 23.00 Monday to Saturday and between 10.00 and 20.00 hours on Sundays and Bank Holidays, and shall not be open at any other time except with the prior agreement in writing of the Local Planning Authority. REASON: To safeguard the amenities of neighbouring residential occupiers, as required by saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

3 The approved Class D1 education premises on the third, fourth, fifth, sixth and seventh floors shall not be open to the students and staff except between the hours of 08.00 to 20.00 Monday to Saturday, and shall not be open at any other time except with the prior agreement in writing of the Local Planning Authority.

REASON: To safeguard the amenities of neighbouring residential occupiers, as required by saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

4 The premises shall be used for Class A1 retail (625m<sup>2</sup>), Class D2 gym (1,488m<sup>2</sup>) and Class D1 education use (3,696m<sup>2</sup>) and for no other purpose, including any other purpose in Class D1 and D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).

REASON: To safeguard the amenity of neighbouring residents and in the interests of highway safety, as required by policy 2.15 of The London Plan (2011) and saved policies EM16, D4, T6 and EP25 of the Harrow Unitary Development Plan (2004).

5 Notwithstanding the submitted details, before the first occupation of the development hereby permitted, details of the facilities for the secure parking of 70 bicycles shall be submitted to and approved in writing by the Local Planning Authority, provided prior to the development being first occupied and retained thereafter.

REASON: To ensure the delivery of a sustainable development which seeks to minimise travel by private car in accordance with the National Planning Policy Framework, policy 6.9 of The London Plan (2011) and Policies D4 and T6 of the Harrow Unitary Development Plan (2004).



6 Notwithstanding the submitted details, before the first occupation of the development hereby permitted, details of a car park management plan, which shall set out how the existing car park shall be managed in connection with the approved uses, shall be submitted to and approved in writing by the Local Planning Authority, and implemented thereafter.

REASON: To ensure the delivery of a sustainable development which seeks to minimise travel by private car in accordance with the National Planning Policy Framework, policy 6.9 of The London Plan (2011) and Policies D4 and T6 of the Harrow Unitary Development Plan (2004).

7 Before the first occupation of the development hereby permitted, a Delivery and Servicing Plan (DSP) shall be submitted to, and approved in writing by, the local planning authority. The approved DSP shall be adhered to throughout the operation of the retail unit.

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

8 Before the first occupation of the uses hereby permitted, a Green Travel Plan for the development shall be submitted to and approved in writing by the local planning authority. The content of the Travel Plan shall be formulated so as to maximise travel to the site by methods other than the private car and shall be reviewed and updated on an ongoing basis.

REASON: To ensure the delivery of a sustainable development which seeks to minimise travel by private car in accordance with the National Planning Policy Framework, policy 6.9 of The London Plan (2011) and Policies D4 and T6 of the Harrow Unitary Development Plan (2004).

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

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

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

01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, Planning Statement, Marketing Report by Chamberlain Commercial (dated December 2012).

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

## **INFORMATIVES**

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

The proposed change of use of the building from an office (Class B1) in Harrow town centre to a mix of retail (Class A1), gym (Class D2) and education (Class D1) uses is considered to be acceptable in planning policy terms for this location, and also bring an active use at ground floor level along College Road. The proposal would not result in the unacceptable loss of residential amenity for the neighbouring occupiers, and matters of transport and highway impacts can be mitigated through the use of planning conditions. 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), as well as to all relevant material considerations including any responses to consultation.

The following policies are relevant to this decision:

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

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

- 2.7 – Outer London: Economy
- 2.13 – Opportunity areas and intensification areas
- 2.15 – Town Centres
- 3.1 – Ensuring equal life chances for all
- 4.1 – Developing London's Economy
- 4.3 – Mixed Use Development and Offices
- 4.7 – Retail and town centre development
- 4.8 – Supporting a successful and diverse retail sector
- 4.9 – Small shops
- 6.9 – Cycling
- 6.10 – Walking
- 6.13 – Parking
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.6 – Architecture
- 8.1 – Implementation
- 8.2 – Planning obligations

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

- CS1 L/M Town Centres
- CS1 N/O/P Economic Development and Employment
- CS1 Q/R/S Transport
- CS 1 Z/AA/AB Infrastructure
- CS 2 F Harrow and Wealdstone

#### **Harrow and Wealdstone Area Action Plan Main Modifications (2013)**

- AAP 1 – Development within Harrow Town Centre
- AAP16 – Supporting the Service Sector in Harrow Town Centre

#### **Development Management Policies DPD Main Modifications (2013)**

- DM41 – Evening Economy
- DM46 – New Community, Sport and Education Facilities

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

- S1 – The Form of Development and Pattern of Land Use
- SEM1 – Development and the Boroughs Regeneration Strategy
- SEM2 – Hierarchy of Town Centres
- D4 – The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy
- EM24 – Town Centre Environment
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- EP25 – Noise

C16 – Access to Buildings and Public Spaces

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

**Other Relevant Guidance:**

Supplementary Planning Document: Access for All (2006)

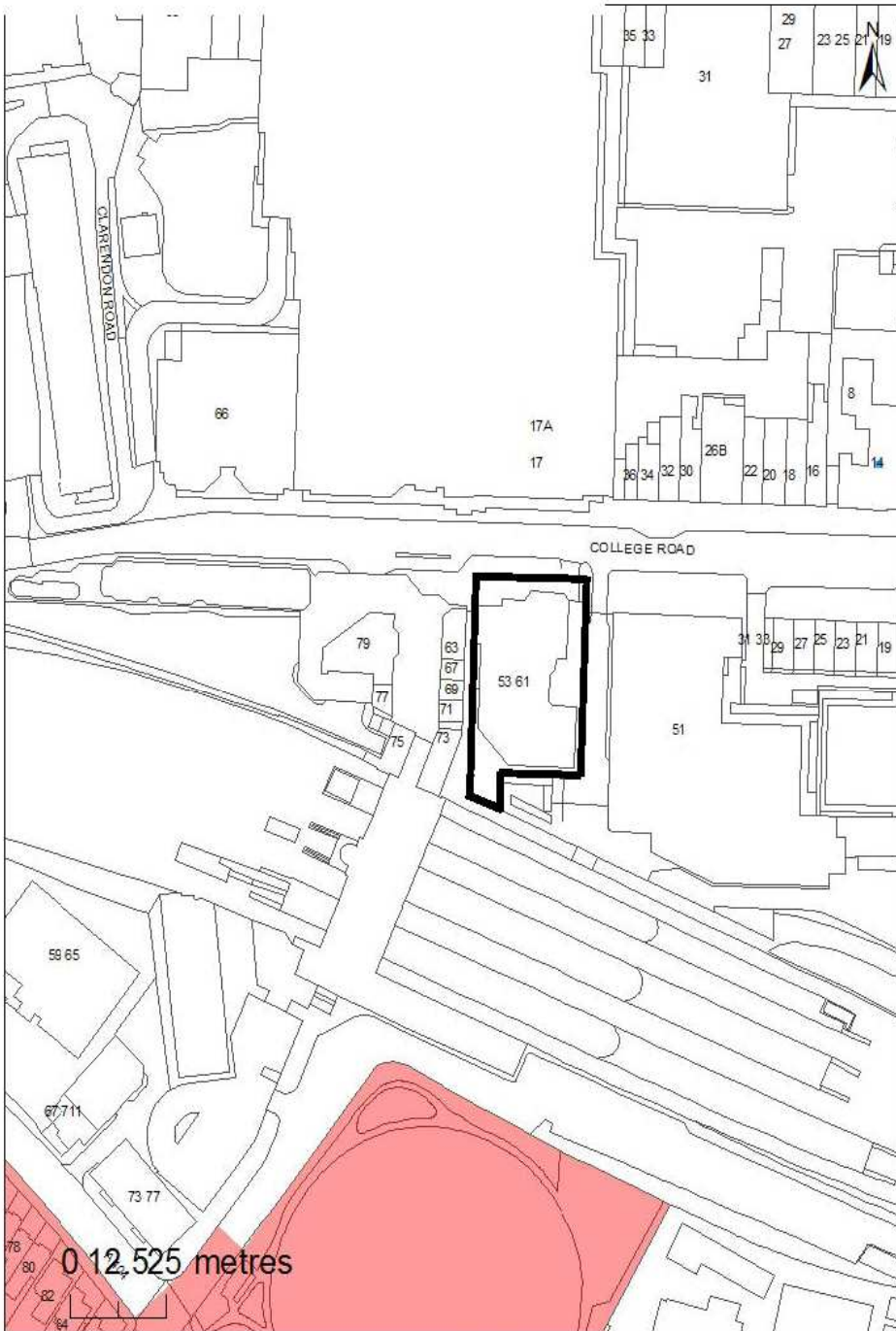
**2 GRANT WITH PRE-APPLICATION ADVICE**

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

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

Plan Nos: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, Planning Statement, Marketing Report by Chamberlain Commercial (dated December 2012).

**FIRST NATIONAL HOUSE, COLLEGE ROAD, HARROW**



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Item No. 2/02

Address: CORNERWAYS, SOUTH VIEW ROAD, PINNER HILL

Reference: P/2042/12

Description RETROSPECTIVE APPLICATION FOR PART RETENTION OF UNAUTHORISED BASEMENT, TWO-STOREY SIDE AND REAR EXTENSION, EXTERNAL ALTERATIONS AND ASSOCIATED WORKS INCLUDING BOUNDARY GATES AND FENCING, DETACHED SINGLE GARAGE, RAISED PATIO AREA WITH RETAINING WALLS AND REMOVAL OF AIR-CONDITIONING UNITS. RETROSPECTIVE ENGINEERING WORKS AND RE-GRADING OF THE SITE INCLUDING DRAINAGE WORKS AND HARD AND SOFT LANDSCAPING

Ward: PINNER

Applicant: MR H KARIM

Agent: SCP ARCHITECTS

Case Officer: FERGAL O'DONNELL

Expiry Date: 12 OCTOBER 2012

## **RECOMMENDATION**

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

### **REASON**

The development proposal would provide a viable alternative to the implementation of the effective Enforcement Notice on the site, and in association with the conditions attached, would ensure the development would not be harmful to the openness or permanence of the Green Belt. The alterations to the property are considered to be proportionate and sympathetic, respecting the character of the locality and the context of the Pinner Hill Estate Conservation Area and the Pinner Hill Area of Special Character. The development proposal would provide an appropriate drainage mitigation strategy to overcome the adverse impact of the engineering works that have gone on at the site, whilst the provision of solid guard rails would provide a screen to reduce the overlooking impacts of the terrace to the neighbouring occupiers. The development proposal would therefore accord with the aims and objectives of the policies of the development plan and the NPPF (2012).

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

## **INFORMATION:**

This application is being reported to Planning Committee as the application site is subject to an effective Enforcement Notice and the determination of this application is therefore of public interest. The application is therefore referred to the Planning Committee as it is excluded by Proviso A of the Scheme of Delegation dated 14 March 2012

Statutory Return Type: Householder Development

Council Interest: None

Gross Floorspace: 503sqm

Net Additional Floorspace: 317sqm

GLA Community Infrastructure (CIL) Contribution: £11,095 (based on a rate of £35 per net additional 317 square metres of floorspace)

## **BACKGROUND INFORMATION**

The application site is subject to an effective Enforcement Notice [EN] (LPA ref: ENF/0161/10/P) to demolish the unauthorised extensions to the original dwellinghouse comprising additions at the basement (“the unauthorised basement addition”) OR reduce the basement to the scale authorised by planning permission P/2485/08/HH and the construction of a first floor rear bay window (“the unauthorised rear bay window”). The applicant has tested the acceptability of the unauthorised development at appeal under grounds ‘f’ (whether the steps required by the EN are necessary to remedy the breach of planning control) and ‘g’ (whether the time given for compliance with the EN was appropriate). The Inspector (PINS ref: APP/M5450/C/10/2140568 – hereafter referred to as “the Appeal”) upheld the appeal on both points and the EN remains effective. An application made under ground ‘a’ (a deemed consent application on the planning merits of the appeal) lapsed and was not considered as the appropriate fee was not paid.

The works required by the EN in respect of the unauthorised rear bay window were subsequently completed satisfactorily. However, work continued on the site which did not accord with all of the steps required by the EN and additional breaches of planning controls were noted on site relating to the installation of air-conditioning units, engineering works ongoing on the site and the construction of balustrades at the terrace. The local planning authority [LPA] subsequently decided to issue a ‘stop notice’ in relation to the basement works ongoing on site. At the time of the most recent inspection of the application site at the end of February 2013, no works were ongoing on site, and it did not appear that any significant works had taken place on the site for some time.

The approved planning permissions for the two-storey side and rear extensions and the basement works to the site were not carried out in accordance with the approved planning permissions. As such, the works carried out on site are unauthorised. The applicant must therefore apply for all of the works retrospectively in order to regularise these unauthorised works. In addition, the additional breaches of planning control need to be regularised. Some of these works have been removed and some are proposed to be removed. For clarity, it should be recognised that the assessment of this application relates to the pre-existing and proposed situations. Notwithstanding this, the planning permissions granted at the property (planning refs P/2485/08/HH and P/0673/09 are the most relevant), although not implemented lawfully, and the EN form important material considerations in the assessment of this application. Notwithstanding the on-going issues in relation to the enforcement of planning control on the site, given the relevant policy context which is described below, a departure from the conclusions reached in terms of the acceptability of the development proposals previously granted planning permission

would be unreasonable. Details of a comparison between planning applications P/2485/08HH and P/0673/09 and the current application are provided in this report.

It should be noted that the LPA are currently pursuing prosecution relating to the non-compliance with the EN.

### **EFFECT OF GRANTING PLANNING PERMISSION**

The current application proposes a development of greater scope than the requirements of the EN (primarily in relation to the scale of the basement). The EN remains effective and its requirements are not discharged by the grant of planning permission. However, mindful of s180 of The Town and Country Planning Act 1990 (as amended) which states that “where ... planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission”, some elements of the EN would cease to have effect.

### **Site Description**

- The application site is located on the western side of South View Road, adjacent to the junction of South View Road and Park View Road. The northern boundary of the site runs along Park View Road.
- The site is located towards the northern boundary of the Pinner Hill Estate Conservation Area, and within the Pinner Hill Area of Special Character and the Metropolitan Green Belt.
- The site is triangular in shape, narrowing to a point at the southern end. The site slopes downwards towards the rear boundary and the southern corner of the site. The fall in the land levels continues southwards along South View Road.
- The site is occupied by a detached two-storey dwellinghouse. The site is bounded on the northern side by deciduous trees, on the western boundary by hedging and mature trees and on the eastern boundary by laurel hedges and presently some close boarded fencing in places.
- The dwellinghouse is located towards the northern (wider) end of the site and is orientated towards South View Road though the dwellinghouse does not run parallel to the highway.
- The south-eastern corner of the building is located just 6 metres from the site boundary whilst the north-eastern corner of the building is located 26 metres from the highway which provides an indication of the splayed orientation of the dwellinghouse to the highway.
- The dwellinghouse has recently been extended with the addition of a two-storey side and rear extension which were constructed following the grant of planning application P/0673/09.
- A large basement extension extending the entire width of the property and beyond the southern elevation of the building has also been constructed. Due to the falling land levels to the rear of the property, these basement enlargements are readily apparent at the rear of the property.
- The distance from the rear of the basement area to the rear boundary is approximately 14 metres at the closest point.
- Engineering works have also been carried out at the property. A lawn ‘tennis court’ has been constructed at the northern end of the site, raising the natural ground levels.
- Two lower level garden terraces have been created separated by an ornamental pond.
- Drainage pipes drain the ‘tennis court’ area and these pipes run to a manhole at the

southern end of the site.

- In the main, the extensions and other works to the property are unauthorised.

### Neighbouring properties

- The neighbouring dwellinghouse to the west of the site, Edgehill, is a large two-storey dwellinghouse which occupies most of the width of the site. The eastern boundary of this property abuts the rear boundary of the application site. Edgehill is located at a lower level than the application site, reflecting the fall in ground (and street levels) westwards along Park View Road.
- The northern end of this common boundary has dense vegetation limiting views. Vegetation is more sparsely distributed at the southern end of the common boundary of these properties offering some views of the rear garden of Edgehill from the application property.
- To the south, the narrow edge of the site touches the boundary with a 2 storey property, set at a lower level from Cornerways known as South View Lodge
- A large, 2 storey detached dwelling known as South View Lodge lies opposite the site, to the south eastern on the opposite side of South View Road, whilst the access into the Pinner Hill Golf Club lies directly opposite the property. The clubhouse at the golf club and the wall which runs from it to the north are Grade II Listed buildings.

### **Proposal Details**

- The application seeks retrospective planning permission for a range of works as described in the development description.

### Two-storey side and rear extensions

- The two-storey side extension constructed is 4.8 metres in width and aligns with the main front wall of the property. Retrospective planning permission is sought for this element.
- Due to the width of the external wall, where the two-storey extension projects beyond the rear wall of the building, the extension is 5 metres wide on the rear elevation. It projects 1.2 metres beyond the rear main wall of the property.
- The two-storey side and rear extensions align with the eaves and ridge height of the main dwellinghouse and the roof is pitched and hipped. Matching materials have been used.

### Basement and External Works

- The proposed alterations to the 'as constructed' basement would reduce the extent of the basement underneath the original and extended dwellinghouse. No basement was provided in the pre-existing dwellinghouse.
- In terms of floorspace in the basement, this would be reduced from 298sqm as currently constructed to 242sqm. The existing swimming pool would be removed and the area above this swimming pool would be re-landscaped. Of the 242sqm footprint proposed to be retained, a significant portion of this would have reduced height.
- Retrospective permission is sought for the basement to extend between 4.6 and 7.5 metres beyond the rear main wall of the property on the southern side and below the dwellinghouse. Due to the falling land levels of the site, the rearward projection of basement is visible from the rear garden. A section of excavated terrace in the garden would provide direct access from the garden to the basement.
- It is proposed to alter the basement so that some non-habitable space would project



beyond the rear elevation on the northern side of the building. It is proposed to backfill the area with landscaping so that this part of the basement would not be visible.

- The basement results in a rear terrace area. A brick upstand with painted metal railings to height of 1.1 metres is proposed to enclose the terrace area adjacent to the southern end of the building.
- Detached Garage
- A detached single garage has been constructed adjacent the north-eastern corner of the dwellinghouse. Retrospective permission is sought for this garage.
- The garage is 6.2 metres in depth and 3.7 metres in width. The garage has a dual-pitched roof with an eaves height of 2.2 metres and an overall height of 4 metres.
- Other External Works
- It is proposed to remove the existing air-conditioning units.
- It is proposed to reinstate the laurel hedging at the front of the property. A section of close boarded fencing parallel and adjacent to the kitchen at the front of the property, 4.1 metres in length would be retained and close boarded timber gates for the vehicles accessway are proposed. The gates and fencing would be 1.8 metres in height.
- Engineering Works
- It is proposed to reinstate the pre-existing land levels to the point of the pond in the middle of the rear garden, removing the existing 'tennis court' and upper garden terraces.
- The works would include removing the terrace area adjacent to the northern end of the rear of the building and creating a landscaped area up to the level of the terrace / finished floor levels of the dwellinghouse.
- Drainage Works
- It is proposed to create a drainage system to mitigate against the reported adverse hydrological impacts that followed the engineering works that have occurred on the site.
- The drainage plan would provide land drains to discharge excess surface water to a sunken storage tank at the southern end of the site which would be connected to the surface water drain outside the site.
- The storage tank would be fitted with a 'hydrobrake' which would limit discharge of water into the Pinner Hill drainage system to 5 litres per second.

*Note: The effect of the proposed application would be to change the development permitted under applications P/2485/08HH (the extent development is required to be reduced by the EN) in the following way:*

- No change to two-storey side and rear extension or garage
- Floor area of basement increased from 63.5sqm to 242sqm, the additional floor area being provided beneath the existing dwellinghouse
- Area of elevated terrace to the rear of the property (excluding steps to garden) increased from 114sqm to 131sqm
- Provision of a section of fencing on front boundary
- Drainage strategy proposed

*The effect of the proposed application would be to change the development permitted*

*under previously granted application P/0673/09 in the following way:*

- No change to two-storey side and rear extension or garage
- Floor area of basement increased from 103.4sqm to 242sqm, the additional floor area being provided beneath the existing dwellinghouse. The additional useable space proposed in this application would provide a games room.
- Area of elevated terrace to the rear of the property (beyond rear wall of dwelling and excluding steps to garden) increased from 114sqm to 131sqm
- Provision of a section of fencing on front boundary
- Drainage strategy proposed

### **Relevant History**

WEST/826/98/CLP

Certificate of lawful proposed development: internal and external alterations to facilitate use of garage as habitable room

Application not required: 18 February 1999

WEST/649/01/FUL

Two storey side extension

Granted: 13 September 2001

P/2476/05/CFU

Renewal of permission WEST/649/01/FUL: two storey side to rear extension

Granted: 08 December 2005

P/2477/05/CFU

Detached garage

Granted: 16 March 2006

P/2485/08/HH

Detached single garage with associated hard surfacing at front new basement with extension to garden terrace over two-storey side to rear extension; external alterations

Granted: 11 September 2008

P/0672/09

Detached single garage and associated hardsurfacing

Refused: 03 July 2009

### **Reasons for Refusal:**

1 The proposed garage in conjunction with the approved adjacent single garage would result in inappropriate development in the Green Belt which by reason of unacceptable siting, massing and bulk would significantly reduce the openness of the site, to the detriment of the character and appearance of the Green Belt, contrary to policy EP32 of the Harrow Unitary Development Plan (2004) London Plan policy 3D.9 and PPG2: Greenbelts (1995).

2 The proposed garage, in conjunction with the approved adjacent single garage and associated additional hard surfacing, by reason of unacceptable design, excessive bulk and hard surfacing, would be unduly obtrusive and overbearing and would fail to preserve or enhance the character or appearance of the area and the Pinner Hill Estate Conservation Area, contrary to policies D4, D14 and D15 of the Harrow Unitary Development Plan (2004) and the Pinner Hill Estate Conservation Area Designation and Policy Statement (1990).

P/0673/09

Detached single garage with associated hardsurfacing; new vehicular gates fronting south view road; new basement with extension to garden terrace over two storey side to rear extension and external alterations (revised application)

Granted: 15 June 2009

P/2118/09

Retention of two rebuilt chimneys

Granted: 26 November 2009

P/2436/10

Lawful development certificate for existing development: swimming pool building

Refused: 08 December 2010

Reason for Refusal:

1 The application is in contravention of the requirements of an Enforcement Notice issued by the Council and is therefore not a lawful development

**Applicant Submission Documents**

- Design and Access Statement (including Heritage Statement)

**Consultations**

Conservation Officer

The special interest of the conservation area is summarised by the Pinner Hill CAAMS as:

‘the area’s low density of development and surrounding open greenery or wooded environs. There is an overall secluded and tranquil feel to the area that is complemented by the private nature of the estate. The informal road layout and high architectural quality of the mix of styles from Arts and Crafts to Art Deco and Tudor Revival inspired properties, serve to create a unique sense of place. The atmosphere is enhanced by the sheltering of mature trees and hedgerows, as well as the glimpsed views out over Pinner and beyond’.

The proposed gates should have some level of permeability to help retain the characteristic open character so at the very least the square upper panels should be conditioned to be open notwithstanding the detail shown on the proposed elevation ALGA0005 REV G or otherwise the gate design should be conditioned to ensure a more permeable design.

Otherwise there is no objection to the revised proposal since, on balance, it would preserve the character of the conservation area. The basement extension is not ideal since it would be more apparent from the garden as another floor level more than the previously approved plans. Nevertheless this would be an improvement on the current scheme and be concealed from the streetscene.

The CAAMS states that in ‘places, wooden fences have been introduced. These fit in with the soft character of the area, but care should be taken to ensure these are not installed at the expense of removing characteristic greenery. Fences though fit in considerably better than the use of iron or other treatments of hard modern materials’. This is the case here since the fence would not be at the expense of the hedge.

The proposal would preserve the character of the conservation area and the setting of

the adjacent Listed Building.

#### Drainage Authority

The proposed mitigation strategy is considered to be satisfactory

#### Pinner Hill Residents Association (summarised as follows):

- Object to the proposal on the basis of a blatant disregard for the planning process
- Recent works have lead to disturbance to neighbouring residents
- Excessive levels of water drained from the site
- Unclear whether existing fencing to be retained or permanent; Laurel bushes and an open driveway would be more in keeping with the character of the area
- Overlooking of neighbouring garden from the terrace and the removal of soil

#### The Pinner Association

No response received to date

#### Conservation Area Advisory Committee

Comments on original proposal (meeting on 24 September 2012)

The replacement windows are not attractive as they are UPVC. Chimneys have been reduced in height and corbelling details are needed. Works create a vast area of artificial land. The proposal would only remove a small part of the 'as built' extension by cutting off a triangular part in plan form of the proposed swimming pool area. The lowering of the land has vastly increased the impact of the basement extension. The cut into the slope has had a great impact. The swimming pool landscaping counters the lie of the land and has a large impact. The increase in terrace compared to that which was approved is not great. The existing balustrade design is inappropriate. The proposed balustrading makes no sense. It is not clear what the design would be or how it would be fixed. It would not be tall enough for building regulations. There is no finish to the top of the retaining wall - only blocks are shown. These details would need to be provided up front rather than conditioned.

The taming of the landscaping is objectionable. The deciduous trees conceal the tennis court today but these may not always conceal the view so this tennis court can have a large impact on the Conservation Area. This proposal would change a lot of the property to hardstanding. There should be soft planting in front of the building. Usually with boundary treatments it should be possible to see through to the forecourt. Ultimately we object to the boundary treatment. We want soft planting and views through to be retained with any boundary treatment. Normally the gates in Pinner Hill Conservation Area are open – it is possible to look through. There is concern about the impact of the tennis court and the impact on the views through to this from the street.

#### Comments on revised plans (meeting on 19 November 2012)

It would appear from the drawings that the natural falls of the hill across the back garden have been lost with the proposed terracing. The raised terrace for a grassed tennis court adjacent to Park View Road could adversely affect the boundary trees and hedging. The raised terrace over the extended basement may cause overlooking and loss of privacy to the property behind Cornerways. The chimney stacks have been truncated and have lost all original brick detailing.

The proposed gates are too tall and solid-looking. There should not be any close-boarded fencing on the road frontages. The boundary should be hedged up to the gate posts. Temporary green open-mesh fencing could be installed whilst the new hedging grows.

*Comments on revised plans (meeting 25<sup>th</sup> March 2013)*

Ok (point relating to the fact that the tennis court removed noted). Earlier comments apply

**Advertisement:** Character of the Conservation Area

**Expiry:** 20 September 2012

**Site Notice Erected:** 04 September 2012

**Expiry:** 25 September 2012

### **Notifications**

Sent: 14

Replies: 4

Expiry: 13 September 2012

### **Neighbours Consulted:**

Park View Road: Temple Trees, Old Gates, Cambrae, Oak House, Edgehill

South View Road: Oakwood, Studio House, Naseby, Little Stafford, Ravelston, South View Lodge, Pinner Hill Golf Course, Staff Flat at Pinner Hill Golf course

### **Summary of Responses:**

- Only minor modifications are proposed. Were permission to be allowed, development would create a precedent for other development to the detriment of the Conservation Area
- Size of dwellinghouse has doubled
- Fences erected where natural hedges were previously
- Development has removed large amounts of earth, interfered with the water table on the site resulting in flooding which has to be pumped from the property. Removal of further amounts of earth would add to the drainage problem
- Elevated terrace overlook the neighbouring property and is an eyesore. The tennis court would interfere with the privacy and enjoyment of neighbouring occupiers homes
- Development of the site has continued without planning permission and in contempt of the law
- Value of neighbouring properties reduced
- Concerns over infrastructural impacts of development
- Excessive bulk of building disproportionate and unsatisfactory materials

Following Officer site visits and meeting with residents and applicants, revised plans were received. A second consultation period was conducted on the amended plans

**2<sup>nd</sup> Advertisement:** Character of the Conservation Area and Setting of the Listed Building

**Expiry:** 29 November 2012

**2<sup>nd</sup> Site Notice Erected:** 08 November 2012

**Expiry:** 29 November 2012

### **2<sup>nd</sup> Notification**

Sent: 14

Replies: 3 (2 of the respondents also made comments in the first round of consultation)

Expiry: 26 November 2012

**Neighbours Consulted:**

Park View Road: Temple Trees, Old Gates, Cambrae, Oak House, Edgehill

South View Road: Oakwood, Studio House, Naseby, Little Stafford, Ravelston, South View Lodge, Pinner Hill Golf Course, Staff Flat at Pinner Hill Golf course

**Summary of Responses:**

- Still only minor modifications; amendments do not deal with harm to Conservation Area
- Concern whether development accords with Building Regulations
- Residents interests ignored; neighbours have experienced enormous disruption, noise and unhappiness
- Health hazards arising from overflowing drains as a result of development
- Large amounts of earth removed from the site
- Query whether drainage system can cope with amount of water draining into the system
- No fencing or gates should be approved
- Land and building should be returned to its former state

A third consultation period was conducted on receipt of amended plans relating to a drainage strategy for the development

**3<sup>rd</sup> Advertisement:** Character of the Conservation Area and Setting of the Listed Building

**Expiry:** 21 March 2013

**3<sup>rd</sup> Site Notice Erected:** 28 February 2013

**Expiry:** 21 March 2013

**3<sup>rd</sup> Notification**

Sent: 14

Replies: 7 (4 of the respondents also made comments in the previous rounds of consultation)

Expiry: 19 March 2013

**Neighbours Consulted:**

Park View Road: Temple Trees, Old Gates, Cambrae, Oak House, Edgehill

South View Road: Oakwood, Studio House, Naseby, Little Stafford, Ravelston, South View Lodge, Pinner Hill Golf Course, Staff Flat at Pinner Hill Golf course

**Summary of Responses:**

- Clear that drainage systems will not be able to cope with the diversion of water from the site
- Development excessive in scale
- Wooden gates out of character
- Delaying tactics by owners of the property
- Consequences of removal of earth
- Muddy water coming from the site
- Work taking place at unsocial hours
- Applicant has floated planning laws

- Reiterating previous objections
- Hole dug outside land which has obstructed the street
- Action should be taken against the owner
- Development has adversely affected the character of the property
- Disturbance from construction raises environmental, health and safety issues

## **APPRAISAL**

### The Development Plan

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

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

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

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

### Emerging Policy Context

While this application has been principally considered against the saved policies in the Harrow Unitary Development Plan 2004, regard has also been had to relevant policies in the 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 is currently being examined by the Secretary of State and the Examination in Public [EiP] was held January 2013. Before this, a 4 week consultation took place between 11 October 2012 and 8 November 2012 on the Council's Proposed Minor Modifications to the DPD as a result of responses received to the Pre-submission Consultation.

## **MAIN CONSIDERATIONS**

- 1) Principle of Development and Development in the Green Belt
- 2) Character and Appearance of the Pinner Hill Estate Conservation Area and Impact of Development on the Setting of a Listed Building
- 3) Residential Amenity
- 4) Drainage, Development and Flood Risk
- 5) Equalities Implications
- 6) S17 Crime & Disorder Act
- 7) Consultation Responses

### **1) Principle of Development and the Development in the Green Belt**

Saved policy H10 of the Harrow Unitary Development states that the Council will consider favourably development proposals for extensions, alterations and / or adaptation to residential dwellings, in preference to redevelopment, providing this would not lead to unacceptable impacts on adjacent properties or the local environment. In terms of the impact of development on the local environment, the site is located within the Metropolitan Green Belt.

The National Planning Policy Framework [NPPF] confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. The NPPF also sets out the test for appropriate development in the Green Belt. It states that construction of new buildings in the Green Belt is inappropriate but provides exceptions. The exceptions in respect of this application are *“the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building”*. Since the determination of the previous applications at the site, it is considered that the content and purpose of policy relating to the Green Belt (previous applications considered against PPG2 – Green Belts) has not altered.

The recent planning permissions at the application property, which although not implemented lawfully are material to the considering of this application, permitted the extension of the property with the addition of two-storey side and rear extensions, basement enlargements and a garage. The additional elements of the development proposed here relate to the extension of the basements previously permitted. The cumulative impacts of the development proposal on the original dwellinghouse would be significant, providing a substantial level of accommodation within the dwellinghouse. However, the additional areas of development, beyond those considered previously, would be provided in areas of the basement that would not be readily perceived, below the existing dwellinghouse and at the north-western corner of the dwellinghouse as an area of land to be backfilled would obscure this part of the basement from view. In considering the effect of development on the Green Belt therefore and its primary characteristics, its openness and its permanence, and drawing comparisons with the previously consented schemes on the site, it is considered that the development proposed in this application would have no greater impact on the visual amenity or openness of the Green Belt. Though the increased scale and floorspace of the dwellinghouse is acknowledged, in practical terms, as the additional elements of development would not be perceived or appreciated in private or public views, it is considered that no harm to the Green Belt would arise as a result of this development proposal. Accordingly, it is considered that development accords with the provisions of the NPPF and development plan policies.

## **2) Character and Appearance of the Pinner Hill Estate Conservation Area and Impact of Development on the Setting of a Listed Building**

Saved policy D4 of the Harrow Unitary Development Plan 2004 (HUDP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. The saved policies of the UDP broadly reflect policies 7.4.B and 7.6.B of The London Plan 2011 and policy CS1.B of the Harrow Core Strategy 2012 which seek to ensure that development respects local character and provide architecture of proportion, composition and scale that enhances the public realm. Policy CS1.D of the Harrow Core Strategy 2012 and saved policies D11, D14 and EP31 of the UDP are also relevant given the location of the site within an Area of Special Character and the Pinner Hill Estate Conservation Area and opposite Pinner Hill Golf clubhouse, a Grade II Listed building. These policies seek to ensure that the historic



environment would not be compromised by development. The NPPF and policy 7.8.C/D/E of The London Plan 2011 set out similar aims.

The Council has adopted Supplementary Planning Document: Residential Design Guide 2010 [RSPD] to supplement saved policies D4 and D5, amongst other saved policies, and requires extensions to dwellinghouses to harmonise with the scale and architectural style of the original building. The Supplementary Planning Document: Pinner Conservation Area 2009 [PSPD] has also been adopted and is supplemented by the Pinner Hill Estate Conservation Area Appraisal and Management Strategy [CAAMS] as an appendix. These SPDs carry substantial weight as material planning considerations.

In terms of the policy context since the determination of the previous applications, as detailed above, the NPPF has superseded the PPG1: Delivering Sustainable Development, The London Plan 2011 has superseded the consolidated London Plan 2008 and the Harrow Core Strategy 2012 has been adopted. The Development Management Policies Development Plan Document [DM DPD] is at an advanced stage of development and policy DM1, which has not been significantly altered through the LDF process, should be afforded significant weight (in accordance with paragraph 215 of the NPPF). Notwithstanding the significant changes in the policy context, the broad thrust of these policies in terms of the character and appearance, impact of development on the Pinner Hill Estate Conservation Area [CA] and the Pinner Hill Area of Special Character [ASC], and the setting of Listed Buildings remain unaltered, in seeking a high standard of development and ensuring that heritage assets are not adversely affected by development.

In light of the nominal changes in the policy context since the previous applications on the site were determined, it is considered reasonable to accept that the elements of the scheme which were appropriate when these applications were considered, namely the detached garage, the two-storey side and rear extension and parts of the basement extension are also appropriate within the extant policy context. No objection is therefore raised to these elements of the scheme.

The remaining elements of the scheme relate to the basement enlargements and engineering works on the site, the alterations to the terraced area, the provision of a gated entrance to the property and drainage strategy for the site. Each of these is considered in turn here.

The enlargement of the basement, as constructed on the site, extends significantly into the rear garden and beneath the existing dwellinghouse. In the development proposal, the northern side of the site which is currently occupied by a raised lawn area and sweeping around to the rear of the dwellinghouse would be re-landscaping, returning the land levels close to original levels in these areas. These engineering works would include the back-filling of the part of the basement that includes the swimming pool area. It is considered that these works would have a positive impact on the overall appearance of the site and would return this part of the site to a verdant and green setting for the dwellinghouse. This proposal would screen the basement at the northern end of the building and in terms of the overall impact on the character of the property and the CA and ASC, it is considered that this would be no greater than the impact of the previous applications on the site. Though the enlarged scale of the basement is acknowledged, any enlargement beyond the scope of the previously considered applications would be accommodated within the envelope of the existing or previously approved built form and below the existing dwellinghouse. Accordingly, no additional impact on the character and

appearance of the CA, the ASC and the property itself would arise and it is considered that these elements of the proposal can be supported.

The alterations to the terraced area, in comparison with the previously granted scheme relate to the provision of bricked parapet walls and balustrades as opposed to a lightweight balustrade. In this respect, it is considered that it is appropriate to strike a balance between character and amenity issues. The terraced area at the southern end of the dwellinghouse permits a degree of overlooking towards the rear of garden Edgehill, given the elevated nature of the terrace and the application site in relation to Edgehill and the absence of dense screening on the south-eastern boundary of the site present on other parts of the site. The loss of privacy from the terrace as constructed has prompted strong representations from the owners of that property. The current proposals would have a potentially more imposing impact when viewing the application property from the south-eastern corner of the garden, given the use of less translucent materials than previously approved. This impact would be limited to private and restricted views of the property. Officers consider that any harm arising from this element of the proposal would be nominal and would be outweighed by the benefit of improving the privacy of Edgehill , as discussed in the amenity section below.

The proposal seeks to provide wooden entrance gates and wooden boundary treatment for a short section adjacent to these entrance gates. The CAAMS for the CA recognises that the area's semi-rural character of the area adds to the attractiveness of the locality and the informal nature of boundary treatments in the locality adds to this attractiveness. The proposal to provide wooden entrance gates and boundary treatment would add an element of formality to the property that the existing hedgerows to the front of the property do not have and in this respect, the development would not have a positive impact on the property. However, the desire for the applicant to provide greater security to the property is acknowledged given the proximity of the front of the dwellinghouse to the highway at the south-western corner. Furthermore, the siting and orientation of the proposed boundary treatment would be such that it would be screened from view from the northern side of South View Road and longer field views of the property from the southern end of South View Road by the existing hedgerows. The boundary treatment would only be perceived in close-up views and from the south of the property. In this way, it is considered that any impact upon the character and appearance of the CA would be nominal. Nonetheless, a specific characteristic of the locality, namely the permeable nature of the boundary treatments on the estate would be compromised to some extent. The Council's Conservation Officer has commented on the application and although no objection to the principle of the boundary treatment has been raised, considered that the gates proposed should have a permeable appearance, allowing views into the property. The boundary treatment would however be significantly screened from view and it is considered that any permeability that would be provided would not be significant or impact on the character of the area sufficiently to justify withholding permission.

The proposed drainage strategy for the site would be provided beneath the rear garden and would not therefore have an impact on the character of the CA.

A number of the objections received on this application relate and refer in various forms to the excessive scale and appropriateness of development in this location and its impacts on the character of the CA and ASC. The individual impacts of the development are considered above and the overall cumulative impacts of the development proposal are also acknowledged. Taken together, the extensions and works to the property are of significant scale. However, these alterations are considered to be sympathetic to the

overall character of the host property and respect the context and character of the CA and ASC. The overall external effects of the development of the character and appearance of the property and the locality will be broadly similar to that approved at the property previously. Accordingly, it is considered that the proposed development would preserve the character and appearance of the Pinner Hill Estate Conservation Area and Pinner Hill Area of Special Character, thereby according with policies 7.4.B, 7.6.B and 7.8.C/D/E of The London Plan 2011, policy CS1.B/D of the Harrow Core Strategy 2012, saved policies EP31, D4, D14 and D15 of the Harrow Unitary Development Plan and policies DM1 and DM7 of the emerging Development Management Policies DPD.

#### Impact of Development on the Setting of a Listed Building

The Grade II Listed Pinner Hill Golf clubhouse and the boundary wall extending northwards from it are located approximately 75 metres from the application property. Given this distance, it is considered that no adverse impact on the setting of the Listed Building would arise.

### **3) Residential Amenity**

Policy 7.6.B of The London Plan (2011) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Saved policy D5 of the Harrow Unitary Development Plan similarly seeks to ensure that the amenities and privacy of neighbouring occupiers is not adversely affected by development.

In terms of overbearing or overshadowing impacts, given the distance of the extensions, enlargements and alterations proposed here, it is considered that the built form of development would not adversely impact on the amenities of the neighbouring occupiers.

In terms of overlooking, the impact of the proposed development are very much similar to those considered in the previous applications. In terms of overlooking from internal areas of the property, it is considered that unreasonable impacts would not arise from the development. As alluded to above, the terrace area at the southern end of the dwellinghouse does permit a degree of overlooking into the rearmost part of the neighbouring rear garden at Edgehill. The occupier of that property has made representations on the matter of overlooking that the application seeks to address through the provision of a solid wall parapet at the edge of the terrace area, instead of the more open structure previously approved to enclose the terrace area. This would serve to reduce the scope for overlooking from this area to persons standing close to the edge of the terrace. As such, it is considered that the development would not result in unacceptable levels of overlooking of the neighbouring property. Accordingly, it is considered that the development would accord with policy 7.6.B of The London Plan 2011 and saved policy D5 of the Harrow Unitary Development Plan 2004 which seek to ensure neighbouring amenities and privacy are maintained.

### **4) Drainage, Development and Flood Risk**

A number of the representations received related to the adverse impacts the development at the application site has had on the surface water run-off from the site. From the representations received, it is alleged that the work already carried out at the site has altered the hydrology of the site and the surrounds. These issues are acknowledged and the applicant has sought to address these issues by submitting a drainage strategy to mitigate against the significant levels of earthworks and engineering works that have gone on at the site. The application contains a drainage plan along with

details of storage and attenuation measures in the form of sunken drainage pipes below the rear garden to drain water above from these areas, a sunken water tank and a 'hydrobrake' to limit the discharge of water into the Pinner Hill surface water drainage system.

The applicant has secured the necessary licenses to connect to the surface water systems in the locality and the storage and attenuation measures proposed would ensure that that system would not be unduly burden the drainage network in times of high rainfall as the 'hydrobrake' would limit discharge in the main drainage system and store water in the sunken tanks. The Council's Drainage Team have reviewed the submitted details and they consider that the measures would adequately mitigate against the impacts the development has had on the hydrology of the landscape, thereby ensuring that the development would not exacerbate flood risk on the site or elsewhere and accord with the NPPF, policy 5.12 of The London Plan 2011, policy CS1.U of The Harrow Core Strategy 2012 and saved policy EP12 of the Harrow Unitary Development Plan 2004.

## **5) Equalities Implications**

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application would not have any impact on equalities.

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

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

## **7) Consultation responses**

Scale of development and Character of the Conservation Area

*Size of dwellinghouse has doubled; Excessive bulk of building disproportionate and unsatisfactory materials; amendments do not deal with harm to Conservation Area; Elevated terrace overlook from the neighbouring property and is an eyesore; Development excessive in scale; Were permission to be allowed, development would create a precedent for other development to the detriment of the Conservation Area; Development has adversely affected the character of the property*

The source of these concerns is understood, against a background of long term outstanding enforcement matters at the site. The planning application must however be considered in the context of the development plan and all other material considerations (including earlier approved enlargements to the dwelling). The appraisal above considers the impact of the development on the character and appearance of the green belt, the

ASC and the conservation area and upon residential amenity. It concludes that these impacts are acceptable.

#### Boundary Treatment

*No fencing or gates should be approved; Fences erected where natural hedges were previously; Wooden gates out of character*

These comments are noted and have been addressed in Section 2 of the Appraisal above.

#### Amenity

*The tennis court would interfere with the privacy and enjoyment of neighbouring occupiers homes*

The 'tennis court' that is on the site at the current time would be removed as part of this development proposal

#### Disruption arising from development of site

*Residents interests ignored; neighbours have experienced enormous disruption, noise and unhappiness; Work taking place at unsocial hours; Hole dug outside land which has obstructed the street; Disturbance from construction raise environmental, health and safety issues*

Some of these issues relate to civil matters between the applicant and neighbours. The interests of neighbouring occupiers have been considered through the Council's actions in enforcement breaches of planning control on the site and through the extensive consultations on this planning application. In terms of disturbance arising from the site and working at unsocial hours, these are issues outside the remit of the consideration of this planning application

#### Drainage Issues

*Health hazards arising from overflowing drains as a result of development; Large amounts of earth removed from the site; Query whether drainage system can cope with amount of water draining into the system; Development has removed large amounts of earth, interfered with the water table on the site resulting in flooding which has to be pumped from the property. Removal of further amounts of earth would add to the drainage problem; Clear that drainage systems will not be able to cope with the diversion of water from the site; Consequences of removal of earth; Muddy water coming from the site*

The issues arising from the engineering works that have gone on at the site and the drainage issues arising are noted. However, it is considered that the reinstatement of the land levels and the installation of a drainage strategy on the site would alleviate these issues as detailed in Section 4 of the Appraisal above

#### Breaches of legislative Control

*Concern whether development accords with Building Regulations; Concerns over infrastructural impacts of development; Land and building should be returned to its former state; Delaying tactics by owners of the property; Applicant has floated planning laws; Action should be taken against the owner; Development of the site has continued without planning permission and in contempt of the law*

Issues around breaches of planning legislations are addressed in this report and the report sets out the clearly the implications of granting planning development. However, this application can solely be judged on its planning merits and legislative procedures involved in the enforcement of planning control should be divorced from the consideration of this application on its relative merits. Compliance with the Building Regulations, are dealt with by other legislation and cannot be considered as significant material planning considerations in the assessment of the merits of the current application.

#### Nature of modifications to development of the site

*Only minor modifications are proposed; Still only minor modifications; Reiterating previous objections*

The re-iteration of comments is noted and all comments received as a result of the three rounds of consultation are considered here. The planning merits of the application and the impacts of the changes made have been considered in detail in the Appraisal above.

#### Value of neighbouring properties reduced

This is not a material planning consideration

#### Pinner Hill Residents Association comments:

*Object to the proposal on the basis of a blatant disregard for the planning process; Recent works have lead to disturbance to neighbouring residents; Excessive levels of water drained from the site; Unclear whether existing fencing to be retained or permanent; Laurel bushes and an open driveway would be more in keeping with the character of the area; Overlooking of neighbouring garden from the terrace and the removal of soil*

Each of these issues are addressed in the Appraisal or the comments above.

### **CONCLUSION**

The application property has been the subject of a long and complex planning history, relating to development proposals, the granting of planning permission, unlawfully constructions and enforcement notices. Disturbance around the site over the course of this complex planning history has had significant impacts on the quiet enjoyment of the neighbouring occupiers properties and naturally, the submission of this application, given this extensive history of development on the site has elicited a reaction from those impacted parties objecting to the further development of the site. However, the application submitted here must be considered on its relative merits and all material considerations. Rather than continuing the negative impact on the character of the area that the existing unauthorised developments result in, , the development proposal would have a more benign impact on the character of the area and a positive impact upon drainage conditions affecting the site.. In terms of the impacts of the development proposal on the Green Belt, the Pinner Hill Estate Conservation Area and Area of Special Character, amenity and drainage issues, it is considered that the development proposal overall are acceptable and would have neutral or positive impact in comparison with the previously consent schemes on the site.

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

**CONDITIONS:**

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission, unless specified in the approved plans.

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

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

REASON: To safeguard the appearance and character of the Pinner Hill Estate Conservation Area and the Pinner Hill Area of Special Character, in accordance with the National Planning Policy Framework, policies 7.4.B, 7.6.B and 7.8.C/D/E of The London Plan 2011, policy CS1.B/D of The Harrow Core Strategy 2012 and saved policies D4, D5, D9, D14 and EP31 of the Harrow Unitary Development Plan 2004

3 All engineering works, re-grading of land, planting, seeding or turfing comprised in the approved details of landscaping shall be carried out before the substantial completion of the works to the basement of the development hereby approved. 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 Pinner Hill Estate Conservation Area and the Pinner Hill Area of Special Character and ensure that the existing adverse impacts on the openness of the Green Belt are mitigated, in accordance with the National Planning Policy Framework, policies 7.4.B, 7.6.B, 7.8.C/D/E and 7.16.B of The London Plan 2011, policy CS1.B/D/F of The Harrow Core Strategy 2012 and saved policies D4, D5, D9, D14, EP31 and EP34 of the Harrow Unitary Development Plan 2004

4 The development shall be completed in accordance with the details as outlined in the drainage plan, drawing no. 28310/001/001 and thereafter retained in that form. The drainage plans shall be implemented before the substantial completion of the works to the basement of the development hereby approved.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding, in accordance with policy 5.12.B/C/D of The London Plan 2011 and saved policy EP12 of the Harrow Unitary Development Plan (2004).

5 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: ALGA0005 Rev G; ALGA0006 Rev G; ALGA0007 Rev G; ALGA0008 Rev G; ALGA0009 Rev G; ALGA0011 Rev G; 28310/001/001; Design and Access Statement

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

**INFORMATIVES:**

1 INFORMATIVE:

The development proposal would provide a viable alternative to the implementation of the effective Enforcement Notice on the site, and in association with the conditions attached, would ensure the development would not be harmful to the openness or permanence of the Green Belt. The alterations to the property are considered to be proportionate and sympathetic, respecting the character of the locality and the context of the Pinner Hill Estate Conservation Area and the Pinner Hill Area of Special Character. The

development proposal would provide an appropriate drainage mitigation strategy to overcome the adverse impact of the engineering works that have gone on at the site, whilst the provision of solid guard rails would provide a screen to reduce the overlooking impacts of the terrace to the neighbouring occupiers. The development proposal would therefore accord with the aims and objectives of the policies of the development plan and the NPPF.

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

The following National Planning Policy, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, are relevant to this decision:

National Planning Policy Framework 2012

The London Plan 2011: 5.12.B/C/D, 7.2.C, 7.3.B, 7.4.B, 7.6.B, 7.8.C/D/E, 7.16.B

The Harrow Core Strategy: CS1.A/B/D/F/K

Harrow Unitary Development Plan 2004: EP12, EP31, D4, D5, D9, D14, D15, H10, T13

Supplementary Planning Document: Residential Design Guide 2010

Supplementary Planning Document: Pinner Conservation Areas 2009

Appendix 9 to SPD: Pinner Conservation Areas: Pinner Hill Estate Conservation Area Appraisal and Management Strategy 2009

Emerging Development Management Policies Development Plan Document: DM1, DM7,

## 2 INFORMATIVE:

The applicant is advised that the grant of this planning permission does not discharge the requirements of the effective Enforcement Notice on the land.

## 3 INFORMATIVE:

**IMPORTANT:** Compliance With Planning Conditions

You will be in breach of planning permission if the development approved here is not implemented in accordance with the details of the plans submitted and the conditions attached to this permission.

## 4 INFORMATIVE:

Please be advised that were this application attracts a liability payment of £11,095 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority upon the grant of planning permission will be collecting the Mayoral Community Infrastructure Levy (CIL). Your proposal is subject to a CIL Liability Notice indicating a levy of £11,095 for the application, based on the levy rate for Harrow of £35/sqm and the additional net floor area of 317sq.m.

## 5 INFORMATIVE:

**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.



## 6 INFORMATIVE:

### PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

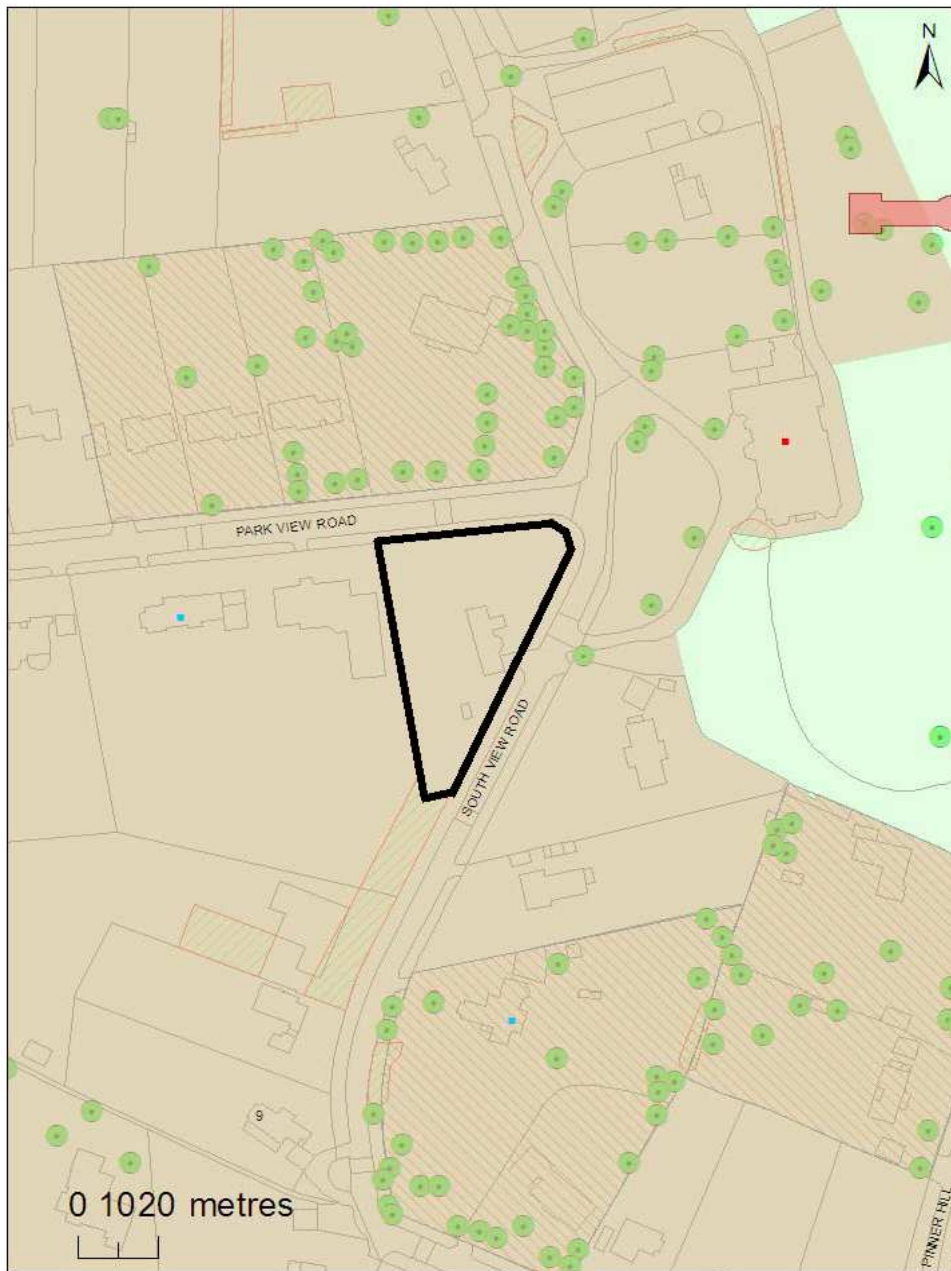
## 7 INFORMATIVE:

### GRANT WITHOUT PRE-APPLICATION ADVICE

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: ALGA0005 Rev G; ALGA0006 Rev G; ALGA0007 Rev G; ALGA0008 Rev G;  
ALGA0009 Rev G; ALGA0011 Rev G; 28310/001/001; Design and Access Statement

**CORNERWAYS, SOUTHVIEW ROAD, PINNER**



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Item No. 2/03  
Address: THE BROADWAY, 1 AND 2 NORTHOLT ROAD, SOUTH HARROW  
Reference: P/0066/13  
Description: CONVERSION OF PART GROUND FLOOR AND FIRST AND SECOND FLOORS INTO SEVEN FLATS; SINGLE AND TWO STOREY REAR EXTENSIONS; SINGLE STOREY REAR EXTENSION TO EXISTING PUBLIC HOUSE; ALTERATIONS TO ROOF TO CREATE AN ADDITIONAL FLOOR; EXTERNAL ALTERATIONS  
Ward: HARROW ON THE HILL  
Applicant: MR PARIMAL DEVANI  
Agent: DB PLANNERS  
Case Officer: GERARD LIVETT  
Expiry Date: 26 APRIL 2013

## **RECOMMENDATION**

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

## **REASON**

The decision to grant planning permission has been taken as the proposal would provide an additional 7 dwellings with proposed extensions and alterations that would not be out of character with the pattern of development in the locality or the setting of the Roxeth Hill Conservation Area and would safeguard the residential amenities of neighbouring occupiers.

The decision has been made having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy and the saved policies of the Harrow Unitary Development Plan 2004 as well as to all relevant material considerations including any responses to consultation.

## **INFORMATION**

The application is reported to the Planning Committee as the development is for the provision of 7 flats and is outside the scope of category 1(c) of the Scheme of Delegation dated 14 March 2012.

**Statutory Return Type:** Minor dwellings

**Conservation Area:** Within setting of Roxeth Hill Conservation Area

**Council Interest:** None

**Net additional Floorspace:** 194 sq. m.

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** £ 6,790

## **Site Description**

- Application site accommodates an end of terrace and mid-terrace two-storey building on the west of The Broadway, Northolt Road.

- No. 1 (the end of terrace building) has a retail use (current vacant) on the ground floor, and a three bedroom flat split over the first and second floor.
- No. 2 (the mid-terrace building) has a public house on the ground floor with residential accommodation on the upper floors
- At the rear of the site lies a large single storey garage. There is a vehicular access road to the rear of the site.
- The adjacent property to the south, Roxeth House, is a three-storey block, with a turf accountant at the ground floor and offices and residential premises on the upper floors
- The application site is outside of South Harrow District Centre on Northolt Road which is a London Distributor Road. The application site lies near to, but not in, Roxeth Hill Conservation Area.

### Proposal Details

- Application proposes the creation of five additional flats (to provide seven in total) by way of conversion and extension of Nos. 1 and 2 The Broadway
- The proposal includes a 5m deep single-storey rear extension to No. 2 The Broadway to be used as a kitchen for the public house.
- Both properties would be extended at first floor. No. 1 The Broadway would have a 5m deep extension across the whole width of the property. This would be extended over part of No. 2 The Broadway with the return wall 3.3m from the party wall between Nos. 1 & 2 The Broadway. The remainder of the first floor of No. 2 The Broadway would have the same depth as the existing property.
- This would result in the total depth of the properties at first floor being 19m.
- The existing ground floor extension at the rear of No. 1 would be linked into the main building and converted into a flat.
- The second floor of the properties would have four front dormers and two side dormers to No. 1 The Broadway.
- The resultant building would have windows on the front, side and rear elevations.
- The single-storey element would have two rooflights
- There would be two accesses into the residential part of development, one from the front using the existing door, and an access from the rear.
- The proposal would result in the existing flat at No. 1 being reduced from three bedrooms to one.

The schedule of accommodation would be:

	No. 1	No. 2
Ground floor	One 39m <sup>2</sup> studio	N/A
First Floor	Two 39m <sup>2</sup> studio flats	Two 39m <sup>2</sup> studio flats
Second floor	One one-bedroom 57m <sup>2</sup> flat at the front of the property and one 62m <sup>2</sup> one-bedroom flat at the rear of the property	

- No soft landscaping is proposed. Bin storage is proposed in an area to the rear of the buildings

### Revisions to Previous Application

- Following the previous refusal of planning permission (P/2760/11), the following amendments have been made:
  - Previous flat-roofed second floor extension omitted and replaced with roof dormers

- Depth of first floor extension reduced
- Number of flats reduced by two
- Two one-bedroom flats and five studio flats proposed rather than nine studio flats

## Relevant History

### RE: 1 The Broadway

LBH/6136/1 – Alterations and erection of single storey rear extension to living accommodation  
Granted – 08/03/1972

LBH/6136/2 – Erection of domestic garage at rear  
Granted – 21/04/1972

WEST/167/95/FUL – Retention of single storey rear store  
Granted – 17/07/1995

P/3315/10 – Conversion Of Part Ground Floor First And Second Floors Into Four Flats; Single And Two Storey Rear Extensions; Two Front And Two Side Dormers; External Alterations  
Refused – 09/03/2011  
Appeal dismissed – 12/08/2011

#### Reasons for Refusal:

1 The proposed single and two storey rear extension, together with the proposed side and front dormers, by reason of unacceptable design, layout and siting, is considered inappropriate to the existing pattern of development and would result in an overdevelopment of the site, which is considered to be unduly obtrusive and incongruous, and out of keeping with the character and appearance of the area, contrary to policies 4B.1 and 4B.8 of the London Plan (2008), saved policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document: Residential Design Guide (2010).

2 The proposed extensions, by reason of their siting, rearward projection, scale and size, would be unduly intrusive, overbearing and lead to an enclosing effect resulting in a loss of light to the rear of No.2A The Broadway Northolt Road and a loss of privacy to the rear of No.88 Lower Road, contrary to saved Policies D4 and D5 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

3 The proposal, by reason of inadequate room sizes, inappropriate layout, and the layout of Flat 5 entirely accommodated within the roof space of the building, and failure of the applicant to demonstrate that the proposed flats would be accessible and inclusive in design for all, would provide substandard and cramped form of accommodation to the detriment of the amenities of the future occupiers of the site, contrary to Planning Policy Statement 3: Housing (2010), policies 3A.5, 4B.1 and 4B.5 of the London Plan (2008), saved policies D4 and D5 of the Harrow Unitary Development Plan (2004), adopted Supplementary Planning Document: Accessible Homes (2010) and adopted Supplementary Planning Document: Residential Design Guide (2010).

4 The lack of parking provision for the development would encourage additional and injudicious parking to the detriment of the free flow, movement and safety of vehicular traffic and pedestrians on the adjacent public highway contrary to saved policy T13 of the Harrow Unitary Development Plan (2004).

5 The proposed lack of appropriate bin storage for five flats, would detract from the appearance of the area, streetscene and the visual amenities of neighbouring residents, contrary to saved policies D4, D5 and D9 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document: Residential Design Guide (2010).

P/2759/11 – Conversion of part ground floor first and second floors into four flats; single and two storey rear extensions; front and rear roof extensions; external alterations (revised application)

Refused – 15/02/2012

Appeal dismissed – 24/07/2012

Reasons for Refusal:

1 The proposed front and rear roof extensions (to create an additional floor), by reason of unacceptable design, would be unduly prominent and obtrusive and would be detrimental to the character and appearance of the area and the setting of the Conservation Area opposite, contrary to the provisions of PPS5, policies 7.4B, 7.6B and 7.8B of The London Plan (2011), policy CS1.D of the emerging Harrow Core Strategy (2011-2026), saved policies D4 and D14 of the Harrow Unitary Development Plan (2004), adopted Supplementary Planning Document: Residential Design Guide (2010) and Supplementary Planning Document: Harrow on the Hill Conservation Areas (Appendix 4) Roxeth Hill Conservation Area Appraisal and Management Study (2008).

2 The proposed extensions, by reason of their siting, rearward projection, scale and size, would be unduly intrusive, overbearing and lead to an enclosing effect resulting in a loss of light to the rear of No.2A The Broadway Northolt Road, contrary to policy 7.6B of the London Plan (2011), saved Policies D4 and D5 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

3 The proposal, by reason of inadequate room sizes, inappropriate layout, including overlooking of studio 1 and inadequate outlook for flats 2 and 5, and failure of the applicant to demonstrate that the proposed flats would be accessible and inclusive in design for all, would provide substandard and cramped form of accommodation to the detriment of the amenities of the future occupiers of the site, contrary to Planning Policy Statement 3: Housing (2011), policies 3.5B/C/D, 3.8B and 7.2C of The London Plan (2011), saved policies D4, D5 and C16 of the Harrow Unitary Development Plan (2004), adopted Supplementary Planning Document: Accessible Homes (2010) and adopted Supplementary Planning Document: Residential Design Guide (2010).

RE: 2 The Broadway

LBH/41399 – Single-storey rear extension and enlarged rear dormer

Granted – 30/08/1990

LBH/43527 – Part two/part single storey rear extension and external staircase

Refused – 30/09/1991

WEST/393/93/FUL – Single storey rear extension to restaurant with external access to flats above (revised)

Refused – 18/08/1993

Appeal dismissed – 21/12/1993

WEST/443/98/FUL – Retention of single storey rear extension, new shopfront and installation of satellite dish

Granted – 17/11/1998

P/133/05/DFU – Enlarged rear dormer and rooflights at front  
Granted – 16/03/2005

P/1754/06/DFU – Single-storey rear extension to public house  
Refused – 28/08/2006

P/2918/06 – Single-storey rear extension to public house  
Granted – 13/12/2006

#### RE: 1 & 2 The Broadway

P/2760/12 – Conversion of part ground floor and first and second floors into nine flats; single and two storey rear extensions; single storey rear extension to existing public house; alterations to roof to create an additional floor; external alterations

Refused – 15/02/2012

Appeal dismissed – 24/07/2012

#### Reasons for Refusal:

1 The proposed extensions and alterations to the property, by reason of unacceptable design, would be unduly prominent and obtrusive and would be detrimental to the character and appearance of the area and the setting of the Conservation Area opposite, contrary to the provisions of PPS5, policies 7.4B, 7.6B and 7.8B of The London Plan (2011), policy CS1.D of the emerging Harrow Core Strategy (2011-2026), saved policies D4 and D14 of the Harrow Unitary Development Plan (2004), adopted Supplementary Planning Document: Residential Design Guide (2010) and Supplementary Planning Document: Harrow on the Hill Conservation Areas (Appendix 4) Roxeth Hill Conservation Area Appraisal and Management Study (2008).

2 The proposed extensions and alterations, by reason of their design, scale and size, would result in an overbearing and enclosing impact for the occupiers of the top floor of Roxeth House and of proposed flats 4 and 7 at the application site, to the detriment of the residential amenities of the occupiers of the top floor of Roxeth House and the future occupiers of proposed flats 4 and 7 at the application site, contrary to saved Policies D4 and D5 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

3 The proposal, by reason of inappropriate layout, including overlooking of studio 1 and failure of the applicant to demonstrate that the proposed flats would be accessible and inclusive in design for all, would provide substandard accommodation to the detriment of the amenities of the future occupiers of the site, contrary to Planning Policy Statement 3: Housing (2011), policies 3.5B/C/D, 3.8B and 7.2C of The London Plan (2011), saved policies D4, D5 and C16 of the Harrow Unitary Development Plan (2004), adopted Supplementary Planning Document: Accessible Homes (2010) and adopted Supplementary Planning Document: Residential Design Guide (2010).

#### **Pre-Application Discussion**

- None

#### **Applicant Submission Documents**

- **Planning, Design and Access Statement**
- The overall design is intended to reflect the pattern of development

- Proposal would provide a housing mix
- Proposal would comply with relevant policy criteria
- Proposal has addressed previous reasons for refusal and Inspector's comments on appeals

## Consultations

**Conservation Area Advisory Committee:** *No objection*

**Harrow Hill Trust:** *No response received*

**Design and Conservation Officer:** *Proposal is an improvement of previous schemes*

**Highways Authority:** No objection, although cycle provision should be made.

**Drainage Engineers:** Drainage conditions would be required

## Advertisement

Character of a Conservation Area

Expiry: 10-Apr-2013

## Notifications

Sent: 42

Replies: 0

Expiry: 04-Apr-2013

## Addresses Consulted

Pleasant Place Allotments, Shaftesbury Avenue

80-94 Lower Road

1, 1a, 2, 2a The Broadway

2, 4, 6 Shaftesbury Road

Dublin Court, Northolt Road (all flats)

9, 11, 13 Northolt Road

Roxeth House, Shaftesbury Avenue

Flats 1-5 Daisy Court, 2 Roxeth Hill

## Summary of Responses

- N/A

## APPRAISAL

### Conformity of the Local Plan with the National Planning Policy Framework

The Inspector's report on the Harrow Core Strategy concluded that the Core Strategy is in conformity with the National Planning Policy Framework.

To the extent that policies in The London Plan (2011) and the saved policies of the Harrow Unitary Plan (2004) are referred to in this appraisal, it is considered that they may be given due weight insofar as they are consistent with the National Planning Policy Framework.

### Emerging Development Management Policies Development Plan Document

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 form a part of the emerging Local Development Framework for the Borough and will eventually replace the Harrow Unitary Development Plan (2004) when adopted.

This document has been subject to two rounds of consultation; between 13 May 2011 and 24 June 2011 on the Council's Preferred Options, and between 27 July 2012 and 7 September 2012 on the Pre-submission Draft document. This 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 DPDs as a response to representations received as a result of the Pre-submission Consultation.

Following the hearings and in response to issues raised by the Planning Inspector and participants the Council has published a schedule of Post Hearings Main Modifications for consultation. The consultation runs until Friday 3rd May and seeks representations on the Main Modifications (only) in terms of the tests of soundness set out at paragraph 182 of the NPPF.

Although the emerging Development Management Policies DPD does not form part of the Statutory Development Plan for the London Borough of Harrow, it can be accorded significant weight as a material planning consideration.

## **MAIN CONSIDERATIONS**

- 1) Principle of the Development
- 2) Character and Appearance of the Area
- 3) Residential Amenity
- 4) Housing Provision and Accessibility
- 5) Traffic and Parking
- 6) Contaminated Land
- 7) Sustainability Considerations
- 8) Affordable Housing
- 9) Equalities Statement
- 10) S17 Crime & Disorder Act
- 11) Consultation Responses

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

The Harrow Core Strategy sets out the strategic vision for the development of the borough.

Part of this strategic vision is the provision of an additional 6,050 homes between 2009 and 2026.

Core Strategy policy CS3 relating to the Harrow on the Hill and Sudbury Hill sub area, envisions the safeguarding of heritage assets in the sub-area while making a contribution to the overall provision of new housing through identified and other opportunity sites.

The principle of the provision of additional smaller residential units has been considered acceptable in principle in previous applications and appeal decisions at the site.

The current proposal would safeguard the nearby heritage assets and would make a contribution to the provision of additional homes in the sub area.

Therefore, on balance, it is considered that, subject to suitable conditions, the proposal would assist in the delivery of new housing in the borough and is considered acceptable in principle subject to the detailed considerations below.

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

Policy CS1.B of the Harrow Core Strategy (2012), policies 7.4 and 7.6 of The London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004) require that new development should have a high standard of design and layout and should complement the context in which it is located.

The site is within the setting of Roxeth Hill Conservation Area (Roxeth Corner), the Harrow on the Hill Area of Special Character and is within the setting of the locally listed Half Moon Public House. The site is in a prominent location, so the design of the building plays important role in its impact on these features

Saved policy EP31 of the Harrow Unitary Development Plan describes Area of Special Character as “These areas are important strategically for their architectural or historic interest, their high landscape value and townscape quality.”

The Roxeth Hill Character Appraisal describes Roxeth Corner as an entrance into the conservation area.

Policy CS1.D of the emerging Core Strategy states that proposals that would harm the integrity or setting of heritage assets will be resisted.

Given the site’s prominent location the proposal would be very visible from the Conservation Area, Area of Special Character and Half Moon Public House.

The previously-proposed flat-roofed three-storey building has been revised such that the current proposal would have dormers in the front roofslope, which is more sympathetic to the important view indicated on the map showing ‘Key Views’ on page 11 of the Roxeth Hill Character Appraisal.

In dismissing an appeal against an earlier proposal, the Inspector noted that the site was separated from the Conservation Area by the highway and the nature of the proposed development would not affect the setting of the Conservation Area.

In this case, the only significant change to the external appearance of the property would be the provision of front and side dormer windows, the single-storey rear extensions and the first floor rear extensions. These would appear as modest additions to the property. The rear extensions would not be visible from the Conservation Area, and extensions with greater depth were considered acceptable in terms of the character and appearance of the area by previous Inspectors. Given the immediate context of the proposal, which currently comprises a large pitched roofed pair of buildings adjacent to a three-storey flat-roofed building, there is a clear vernacular that would not be compromised by these dormers.

Therefore, on balance, it is considered that the proposal would not be detrimental to the character and appearance of the area, or the setting of the Conservation Area and Area of Special Character opposite.

The application proposes a 21 m<sup>2</sup> rear extension to the public house at the ground floor of No. 2 to provide additional kitchen facilities. This extension would be 4.3m wide and 5m deep.

This would represent a typical form of commercial extension and is considered acceptable. This extension would not be visible from the Conservation Area and is also acceptable in this regard.

### **3) Residential Amenity**

#### Impact of the extension on Neighbouring Amenity

The previous proposal for this site included a deeper extension (by 3m) at first and second floor levels at both No. 1 and No. 2 The Broadway. The Inspector, in dismissing the appeal, considered that these extensions would be overbearing when viewed from Roxeth Green House.

The current proposal has a more modest first floor extension. This design has overcome the Inspector's concerns regarding the overbearing impact of the extensions.

Given the scale, siting and design of the proposed extensions, the only adjacent properties likely to be affected by the impact of the proposed extensions are the upper floor occupiers of Roxeth House.

With respect to the rear of this property, the single and two-storey extensions at the application site would not interrupt either a horizontal or vertical 45 degree splay as described in paragraphs 6.28 – 6.32 of the Supplementary Planning Document: Residential Design Guide (2010), and the previous reason for refusal No. 2 of permission P/2760/12.

Given the separation between the application site and the flats to the north, it is considered that the proposal would have a minimal impact with respect to these properties. This is in line with the Inspector's conclusions in the previous appeal at the site.

#### Room Size and Layout

Each of the studio flats and one-bedroom flats exceed the minimum space standards required by policy 3.5 of The London Plan and are considered acceptable in this regard.

The previous scheme was dismissed as some of the then-proposed studio flats would have had poor outlook from flank walls only, or restricted outlook from small windows. The current design has residential units with primary windows on the front and rear elevations.

The changes to the previous scheme have addressed the Inspector's concerns regarding the room sizes of the studio flats, as well as previous concerns regarding natural light and outlook and previous reason for refusal No. 3.

The loft space of this building has a high level of useable space given the height and slope of the roof. A section drawing indicates that 80% of the studios in the roof would have a ceiling height in excess of 2m.

#### Bin Storage

Paragraph 4.24 of saved policy D4 of the Harrow Unitary Development Plan (2004) states that bin and refuse storage must be provided "*in such a way to minimise its visual impact, while providing a secure and convenient facility for occupiers and collection*".

The applicant has indicated that bin storage would take place within an area to the rear of the building, measuring approximately 4.5 sq m. The requirement is that the residential flats would need on 1280 litre and one 1100 litre bin.

No details of the refuse arrangements for the commercial units have been provided.

In the absence of adequate details, a condition requiring details of suitable refuse arrangements for both the residential and commercial uses is recommended.

#### Outdoor Amenity Space

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

Saved policy D5 of the Harrow Unitary Development Plan (2004) does not stipulate a minimum or maximum standard of amenity space required for new development. In this instance, given the sites location within South Harrow District Centre, the availability of private amenity space for flat conversions is limited.

The site is located in a town centre fringe area and there is a park nearby in Shaftesbury Avenue. Given these site circumstances, the lack of on-site amenity space provision is considered acceptable.

#### **4) Housing Provision and Accessibility**

Policy 3.8 of The London Plan, saved policy H7 of the Harrow UDP and policy CS1.I of the Harrow Core Strategy require that a suitable mix of dwelling sizes be provided in new developments.

It is noted that this proposal would provide a mix of studio and one-bedroom flats. The previous proposal was for nine studio flats only. Given that there would be a mix of housing types and not a concentration of one particular housing type, this provision is considered acceptable.

Policies 3.5 and 7.2 of The London Plan, policy CS1.K of the Harrow Core Strategy and saved policies D4 and C16 of the Harrow UDP require that all new dwellings should comply with the Lifetime Homes criteria.

The submitted drawings indicate that the proposal would be in general accordance with these standards. However, full details of compliance, such as turning circles and heights of fittings, have not been included.

Given the potential for the proposal to comply with the required standards, it is considered that this can be addressed by way of a suitable condition.

#### **5) Traffic and Parking**

The proposal makes no provision for parking spaces. Although there is no controlled parking zone in the area, there is parking restraint in the form of a lack of available on-street parking and 'no parking' areas in Northolt Road and Shaftesbury Avenue. It is anticipated that this type of development would not generate significant traffic

movements. Given the nature of the development, the constraints on parking in the vicinity and the public transport accessibility, this is considered acceptable.

Notwithstanding the above, the proposal makes no provision for secure cycle storage, which is a requirement of policy 6.9B of The London Plan (2011). Therefore, a suitable condition requiring details of a cycle store to be submitted and approved is recommended.

## **6) Sustainability Considerations**

Policy 5.13 of the London Plan and saved policy EP12 of the Harrow UDP require that new developments provide sustainable drainage and do not result in surface water run-off. These policies are amplified in the Harrow Strategic Flood Risk Assessment (2009).

No details of drainage have been provided, and therefore, in order to ensure that the proposal does not result in surface water run-off, conditions requiring details of surface water drainage, storage and attenuation are recommended.

## **7) Equalities Statement**

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. The equality impacts of the proposal could have an impact on the ability of persons with mobility impairments to use the premises. However, the proposal complies with the relevant planning requirements with regards to lifetime homes, which ensures that homes are readily adaptable to cope with people's changing needs.

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

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

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

In order to ensure that the proposal does not present opportunities for crime and disorder, a condition requiring details of compliance with the requirements of Secured by Design is recommended.

## **9) Consultation Responses**

N/A

## **CONCLUSION**

The decision to grant planning permission has been taken as the proposal would provide an additional 7 dwellings with proposed extensions and alterations that would not be out

of character with the pattern of development in the locality or the setting of the Roxeth Hill Conservation Area and would safeguard the residential amenities of neighbouring occupiers.

## **CONDITIONS**

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

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

2 Other than as required by conditions 4 and 7, the development hereby permitted shall be carried out in accordance with the following approved plans:

10A032/PL06; 10A032/PL07; Planning, Design and Access Statement

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

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

REASON: To safeguard the appearance of the locality, as required by saved policy D4 of the Harrow Unitary Development Plan (2004).

4 Notwithstanding the details on the submitted drawings, the development hereby permitted shall not be occupied until a scheme for the storage and disposal of refuse/waste has been submitted to, and approved in writing by, the local planning authority.

The use hereby permitted shall not be commenced until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties, as required by saved policy D4 of the Harrow Unitary Development Plan (2004).

5 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water and surface water attenuation / storage works have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, as required by saved policies D4 and EP12 of the Harrow Unitary Development Plan (2004).

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

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

7 The development hereby permitted shall not commence until a scheme for the secure storage of seven bicycles has been submitted to, and approved in writing by, the local planning authority.

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

REASON: To ensure adequate provision of cycle storage, as required by policy 6.9 of The London Plan (2011).

## **INFORMATIVES**

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

The decision to grant planning permission has been taken as the proposal would provide an additional 7 dwellings with proposed extensions and alterations that would not be out of character with the pattern of development in the locality or the setting of the Roxeth Hill Conservation Area and would safeguard the residential amenities of neighbouring occupiers.

The decision has been made having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy and the saved policies of the Harrow Unitary Development Plan 2004 as well as to all relevant material considerations including any responses to consultation.

National Planning Policy Framework (2012)

The London Plan (2011)

- 3.3 – Increasing housing supply
- 3.4 – Optimising housing potential
- 3.5B/C – Quality and design of housing developments
- 3.8B – Housing Choice
- 5.13 – Sustainable drainage
- 7.2C – An inclusive environment
- 7.3B – Designing out crime
- 7.4B – Local Character
- 7.6B – Architecture
- 6.9B – Cycling
- 6.13C/D – Parking

Housing: Supplementary Planning Guide (2012)

Harrow Core Strategy (2012)

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

Core Policy CS3

Harrow Unitary Development Plan (2004)

EP12 – Control of Surface Water Run-off

EP31 – Areas of Special Character

D4 – The Standard of Design and Layout

D5 – Residential Amenity

D12 – Locally Listed Buildings

D14 – Conservation Areas

D15 – Extensions and Alterations in Conservation Areas

H7 – Dwelling Mix

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C16 – Access to Buildings and Public Spaces

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Harrow on the Hill Conservation Areas (Appendix 4)  
Roxeth Hill Conservation Area Appraisal and Management Study (2008)  
Code of Practice for the storage and collection of refuse and materials for recycling in domestic properties (2008)  
Harrow Strategic Flood Risk Assessment (2009)

Draft Harrow Development Management Policies Development Plan Document (2012)  
DM1 – Achieving a High Standard of Design and Layout  
DM2 – Achieving Lifetime Neighbourhoods  
DM9 – Conservation Areas  
DM11 – Locally Listed Buildings  
DM16 – Managing Flood Risk  
DM17 – On Site Water Management on Surface Water Attenuation  
DM32 – Housing Mix  
DM35 – Amenity Space  
DM53 – Parking Standards

## 2 SURFACE WATER DRAINAGE

The applicant is advised to liaise with the Council's Drainage Engineers (Tony Donetti on 020 8416 8347 [tony.donetti@harrow.gov.uk](mailto:tony.donetti@harrow.gov.uk)) to ensure that a suitable form of surface water drainage is provided.

## 3 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 4 COMPLIANCE WITH PLANNING CONDITIONS REQUIRING SUBMISSION AND APPROVAL OF DETAILS BEFORE DEVELOPMENT COMMENCES

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.

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

## 5 GRANT WITHOUT PRE-APPLICATION ADVICE

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

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

## 6 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 £6,790 of Community Infrastructure Levy. This charge has



been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

The charge has been calculated on the additional floorspace of the proposed development.

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

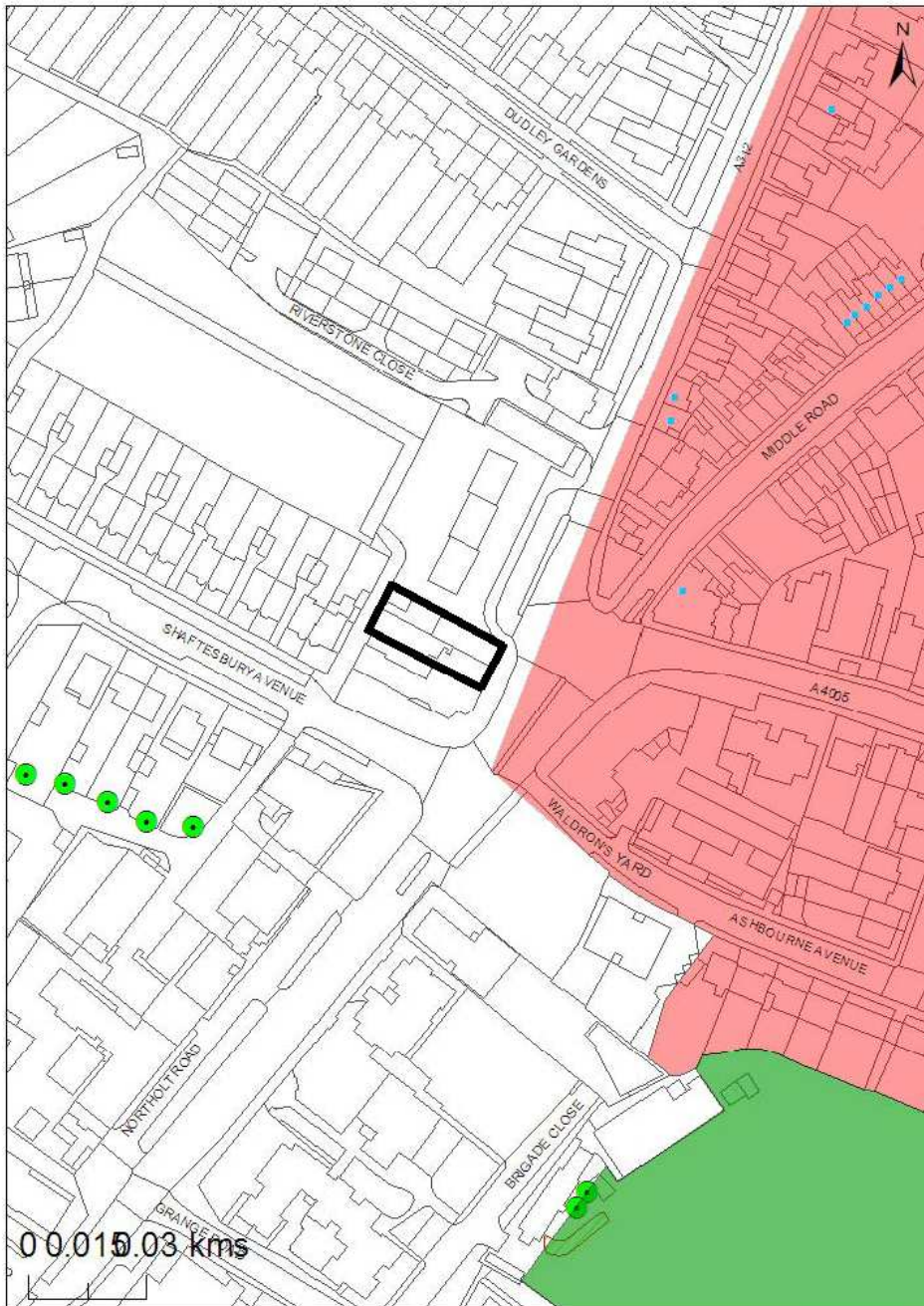
Your proposal is subject to a CIL Liability Notice indicating a levy of £6,790 for the application, based on the levy rate for Harrow of £35/sqm and the calculated new floorspace of 194sqm.

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

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

Plan Nos: 10A032/PL06; 10A032/PL07; Planning, Design and Access Statement

**THE BROADWAY, 1 AND 2 NORTHOLT ROAD, SOUTH HARROW**



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## Appeal Decision

Site visit made on 18 July 2011

**by Paul Crysell BSc (Hons) MSc MRTPI**

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

**Decision date: 12 August 2011**

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**Appeal Ref: APP/M5450/A/11/2150424**

**1A The Broadway, Northolt Road, Harrow HA2 0DL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Parimal Devani against the decision of The London Borough of Harrow.
  - The application Ref P/3315/10, dated 5 December 2010, was refused by notice dated 9 March 2011.
  - The development proposed is the erection of a part single, part two storey rear extension to facilitate the creation of 4 x 1 bedroom flats and relaying out of the existing first floor flat including accommodation in the roof.
- 

### Decision

1. I dismiss the appeal.

### Procedural Matter

2. The application form gives the location as 1 The Broadway although both parties refer to it as No. 1A. This reflects the separate retail and residential uses and I have adjusted the site address accordingly.

### Main Issues

3. The main issues in this case are the effects of the proposal on the character and appearance of the area, the living conditions of neighbouring residents and future occupants of the flats and on highway safety.

### Reasons

#### *Character and appearance*

4. The appeal site is one of two terraced properties between two road junctions in an area of mixed commercial, retail and residential uses. The ground floor contains a vacant retail unit with the first floor and roof space in use as a three bedroom flat. The proposed works would involve alterations and extensions to create four additional flats which, in principle, accords with policy 3A.3 of the London Plan (LP) and policy H10 of the Harrow Unitary Development Plan (UDP) to increase housing provision by maintaining and improving the existing housing stock.
5. The extensions would add substantially to the bulk and mass of the building although most of the alterations would be to the rear. The ground floor retail unit would be retained although changes to the fenestration on the first floor and two dormer windows at roof level would alter the appearance of the front

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<http://www.planning-inspectorate.gov.uk>

- of the building. Two dormers are also proposed in the roof extension to the rear. These would face towards Lower Road from where a large part of the extension would be visible because the adjacent block of flats is set well back from the road.
6. The dormers at the front of the appeal property would break up the simple lines of the roof in contrast to the rooflight in the neighbouring building which has relatively little impact on the street scene. Although the dormers would be more noticeable similar features can be seen on what appears to be a modern pair of semi-detached properties further along London Road.
  7. The site is opposite the Roxeth Hill Conservation Area but the Council accepts the development would not affect its setting because of the separation provided by the highway. Nevertheless, it contends the scheme would result in overdevelopment which would be incongruous and obtrusive, but I am not convinced of this. It is difficult to discern any local distinctiveness in the immediate area because the mix of styles, sizes and designs of buildings so that there is little, if any, architectural cohesion.
  8. I have some reservations about the overall form and scale of the extended building but I do not consider it would have so severe and detrimental an impact on the character and appearance of the locality for it to fail to comply with the design standards and principles expounded in policies 4B.1 and 4B.8 of the LP or policy D4 of the UDP.

*Living conditions*

9. The rear extensions would be stepped so that the main bulk of the enlarged building would not extend beyond the rear building line of the Lower Road flats. The appellant says the design is also intended to partially reflect the three storey building on the corner of The Broadway and Shaftesbury Avenue. It is apparent that those living on either side of the appeal property at No. 2A, The Broadway and the closest flats in Lower Road would be most affected by the proposed works.
10. The two storey rear extension would breach the 45° angle in the Council's Residential Design Guide<sup>1</sup> (SPD) and suggests that the development is likely to be overbearing and affect the outlook from the rooms of adjacent properties. The height and, more particularly, the depth of the extension would be obvious from the rear facing box dormer and first floor windows of No. 2A. It is not clear to me whether the latter serves a bathroom or a kitchen but the proposed works would result in a greater degree of enclosure which I consider would be unacceptable. I appreciate that the appellant owns this building but this does not change the planning merits of the proposal.
11. A number of windows in the side elevation of the extended property would face 88 – 94 Lower Road. Some of these would be set at a high level but the two dormers and the lounge window to Flat 3 would overlook the amenity area in front of the flats. However, this area is readily visible from the public realm and overlooking of this space would not give rise to privacy concerns.
12. Different circumstances arise with the ground floor rear extension because the side windows of Flat 1 appear to be incorporated into the boundary wall with the adjacent flats in Lower Road despite the appellant suggesting the lounge

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<sup>1</sup> Supplementary Planning Document *Residential Design Guide, December 2010*

- window to Flat 1 would be screened by a side boundary wall. Most windows would be set at a high level in order to provide light and prevent overlooking but that serving the lounge would overlook the rear garden of the flats which is contained and more private. I consider this would not be satisfactory because it would give rise to mutual privacy concerns for the occupants of Flat 1 and those using the amenity space at the rear of the flats on Lower Road.
13. I therefore consider the proposal would have an adverse affect on the living conditions of occupants next to the appeal site because of the satisfactory relationship between adjoining buildings and spaces.
  14. Turning to the internal layout, the majority of the five flats would be below the minimum floor area recommended in the Interim London Housing Design Guide (ILHDG) and the Council's SPD. I recognise that these are not obligatory floor areas and that the floorspace would be only marginally below the level recommended in the guidance. The appellant contends that the flats are designed as single occupancy units and suggests this could be controlled by planning conditions but such conditions would be difficult to monitor and enforce and would fail the tests in Circular 11/95<sup>2</sup>.
  15. Flat 5 would be wholly contained within the roof space. The Council's SPD advises against this because of the difficulty in providing adequate circulation space, light and outlook for occupants. The lounge/kitchen/diner of Flat 2 would have a dual aspect but both windows would be set at a high level restricting the outlook. Three of the five flats would have only north facing lounge or combined kitchen/diner windows.
  16. In seeking to maximise the level of accommodation it seems to me that the development would deliver very modest room sizes with layouts which, in some cases, necessitated the use of high level windows to prevent overlooking of adjacent properties and gardens. This leads me to conclude that the proposal would result in cramped and potentially oppressive accommodation.
  17. The SPD advises that conversion schemes should minimise the potential for noise and disturbance between homes by avoiding the inappropriate positioning of rooms such as bedrooms and living rooms on different floors. I do not consider the stacking of rooms between Flats 1, 2 and 3, referred to by the Council, would give rise to serious problems because of the limited overlap between the different uses. Noise transmission would also be addressed through the Building Regulations and this is not a factor which I consider gives rise to justifiable concerns.
  18. The Council also highlights the failure of the scheme to demonstrate how it would achieve Lifetime Homes Standards, as reflected in policy 3A.5 of the LP and the Council's SDP *Accessible Homes*<sup>3</sup>. The standard is intended to make homes more accessible and sufficiently adaptable to meet needs as they change over time. However, meeting all the requirements can be difficult especially for small schemes involving older buildings. Policy 3A.5 of the LP is aspirational rather than mandatory because it seeks to 'ensure' rather than 'require' housing is built to 'Lifetime Homes' standards while the purpose of the SPD is to illustrate what is necessary to achieve them. Nevertheless, I see no reason why it would not be possible to achieve Lifetime Homes Standards in

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<sup>2</sup> Circular 11/95 *The Use of Conditions in Planning Permissions*

<sup>3</sup> Supplementary Planning Document, *Accessible Homes*, March 2010

the ground floor flat (Flat 1). As the appellant suggests, this could be achieved through a planning condition.

19. Taking these various points into account, I consider the proposal would deliver an unacceptable standard of accommodation. I appreciate there is a demand for smaller residential units and that some aspects of the layout would be acceptable. However, my overall view on this issue is that the proposal would not deliver a high standard of design and layout and would fail to adequately safeguard the living conditions of existing and proposed residents. This would conflict with the requirements of policies D4 and D5 of the UDP and the advice in relevant guidance.

*Highway safety*

20. There is no specific parking provision for the existing uses and none is proposed to serve the flats. The Council says the scheme would put additional pressure on parking spaces although it accepts that parking requirements would cause difficulties only if the theoretical maximum number of spaces was required. However, the appeal site is in a sustainable location close to shops and facilities with bus and rail services within walking distance. In this respect the proposal would accord with national guidance in PPG13 to encourage use of modes of transport other than the private car.
21. A local resident has referred to difficulties in finding parking spaces close to his property. I appreciate that competition for spaces may be a problem but inconvenience does not necessarily mean there is a parking or safety issue. In view of the proximity of alternative forms of public transport I do not consider the proposal would be contrary to policy T13 of the UDP which is intended to achieve appropriate parking provision consistent with the nature and location of the area where development is proposed.

*Other matters*

22. A local resident says problems arise with waste bin storage and collection, the latter being identified by the Council's Waste Officer as an unsatisfactory aspect of the current development. It is unclear what provision is intended but it is a matter which I consider could be addressed by means of a planning condition.

*Conclusions*

23. My overall conclusion is the proposal would provide additional small units of accommodation by making better use of an existing building in a sustainable location. This would, however, be at the expense of the living conditions of both existing residents and future residents to an extent which, I conclude would be unacceptable. For the reasons given above and having regard to all other matters, I dismiss the appeal.

*P R Crysell*

INSPECTOR



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## Appeal Decisions

Site visit made on 14 June 2012

by **Martin H Seddon BSc DipTP MPhil MRTPI**

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

Decision date: 24 July 2012

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### **Appeal A Ref: APP/M5450/A/12/2171539**

#### **1 & 2 The Broadway, Northolt Road, Harrow, Middlesex, HA2 0DL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Parimal Devani against the decision of the Council of the London Borough of Harrow.
  - The application Ref P/2760/11, dated 11 October 2011, was refused by notice dated 15 February 2012.
  - The development proposed is erection of single storey and two storey rear extensions and alterations to the roof to convert existing first floor and roof space accommodation to form 9 x 1 bedroom studios/flats.
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### **Appeal B Ref: APP/M5450/A/12/2171605**

#### **1A The Broadway, Northolt Road, Harrow, Middlesex, HA2 0DL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Parimal Devani against the decision of the Council of the London Borough of Harrow.
  - The application Ref P/2759/11, dated 11 October 2011, was refused by notice dated 15 February 2012.
  - The development proposed is erection of part single, part two storey rear extension, roof alterations to facilitate the creation of 4 x 1 bedroom flats and relaying out of first floor flat including accommodation in the roof.
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### **Decisions**

#### **Appeal A Ref: APP/M5450/A/12/2171539**

1. The appeal is dismissed.

#### **Appeal B Ref: APP/M5450/A/12/2171605**

2. The appeal is dismissed.

### **Preliminary Matters**

3. Number 1A The Broadway was the subject of an appeal against refusal of permission for a part single, part two storey rear extension to facilitate the creation of 4 x 1 bedroom flats and relaying out of the first existing floor flat including accommodation in the roof (Ref: APP/M5450/A/11/2150424). The appeal was dismissed in July 2011.
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[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

4. Since the Council's decision PPS3: *Housing* and PPS5: *Planning for the Historic Environment* have been superseded by the National Planning Policy Framework. The Harrow Core Strategy has also been adopted by the Council.

### **Main Issues**

5. The main issues in both appeals are:
- the effect of the proposal on the character and appearance of the buildings and area and setting of the Roxteth Hill Conservation Area, and
  - the effect on the living conditions of neighbours and future occupants of the proposed flats.

### **Application for Costs**

6. An application for costs in respect of Appeal B was made by Mr Parimal Devani against the Council of the London Borough of Harrow. This application is the subject of a separate decision.

### **Reasons**

#### *Character and appearance*

7. Nos. 1 and 2 The Broadway are end-terrace and mid-terrace two storey buildings, respectively. They are located in an area of mixed retail, commercial and residential uses. Roxteth House is an adjoining 3 storey building with a flat roof. The edge of the Roxteth Hill Conservation Area is near the appeal buildings at the opposite side of Northolt Road. No.1 has a ground floor retail use and a three bedroom flat (No.1A) split over the first and second floor. No.2 has a wine bar and kitchen on the ground and first floor plus ancillary accommodation.
8. The buildings are prominent when viewed from Roxteth corner. In the previous appeal the Inspector referred to the proposed dormers that would be inserted in the front roof slope of No.1A and that, whilst they would be more noticeable, similar features could be seen on a modern pair of semi-detached properties along London Road. Although he expressed reservations about the overall form and scale of the extended building, he did not consider it would have so severe and detrimental an impact on the character and appearance of the locality for it to fail to comply with the Council's design standards and relevant development plan policies.
9. However, the design concept for both appeal proposals A and B differs from the approach taken in the previous proposal for No.1A that was dismissed on appeal. Dormers would not be inserted in the roof slope. Instead, the rear extensions would result in flat roofed buildings of a similar height to Roxteth House.
10. The eaves' height of Nos. 1 and 2 would be raised at the front elevation and new windows inserted at first floor level. The proposals in both appeals would represent a significant change in the main elevations of the buildings. The original form and scale of the buildings with their simple pitched roofs would be lost, to the detriment of the character and appearance of the surrounding area.



11. The proposals would conflict with Unitary Development Plan policy D4 and policies 7.4B and 7.6B of the London Plan that seek to ensure a high standard of design and layout in all new development.
12. The front elevations of the buildings subject to both appeals would be seen from within the Roxteth Hill Conservation Area. The proposed changes to the front elevations would fail to preserve or enhance the setting of the Conservation Area. However, the degree of harm to the setting of the Conservation Area would be limited because of the separation distance of the buildings from the Conservation Area boundary and existence of the intervening highway. Nevertheless, there would be conflict with Core Strategy policy CS 1.D and policy 7.8D of the London Plan regarding the protection of heritage assets.

*Living conditions of neighbours*

13. In the previous appeal the Inspector determined that the 2 storey rear extension would breach the 45 degree angle referred to in the Council's *Residential Design Guide* and there would be an adverse effect on the rear facing box dormer and first floor windows of No.2A. The proposal in Appeal B would have a similar detrimental impact and would result in loss of light for the occupiers of No.1A. Although No.2A is also in the ownership of the appellant, that may not always be the case.
14. In Appeal A the change to the front elevation of No.2 would reduce the outlook from the adjoining second floor window of Roxteth House. Roxteth House has permission for office use, although the Council currently has an application for a Certificate of Lawfulness of Existing Use as residential accommodation. However, even if the application for a Certificate fails there would still be a harmful impact on the outlook from Roxteth House for users of the office space because of the proximity of the proposed extension. The proposals in both appeals A and B would have a harmful effect on the living conditions of neighbours. There would be conflict with UDP policy D5C and with the Council's supplementary planning document: *Residential Design Guide*.

*Living conditions of future occupants*

15. Appeal B involves an application that includes 3 studio units that would be above the minimum 37 square metres floor space indicated in the Council's standards and standards in the London Plan. However, in the previous appeal the Inspector observed that the majority of the 5 flats would be marginally below the minimum floor area recommended in the guidance. Although the flats were designed as single occupancy units, he considered that the imposition of a condition to limit occupancy would be difficult to monitor and enforce and would fail the tests in Circular 11/95: *The Use of Conditions in Planning Permissions*.
16. The appellant has referred to the planning officer's report for the proposal in appeal B. This concluded that with the exception of split level flat 2 and flat 5, all the proposed units would fall just below the 50 square metres standard for 1 bed/2 person flats. The appellant considers that the Council has been inconsistent by concluding that, in respect of Appeal A, the shortfall in floor area was not so significant to warrant a reason for refusal.

17. In Appeal B the proposed ground floor studio 1 would be 45 square metres in floor area. At first floor level studio 3 would be 41.3 square metres in floor area and studio 4 would be 44.5 square metres in floor area. In Appeal A studio units 5, 6, 8 and 9 would range between 42.9 and 47 square metres in floor area.
18. In assessing the floorspace for the application in appeal B the Council took into account the fact that similar units had been described as one bedroom flats in the previously refused application. However, the floor area of the units is not the only consideration when examining the potential impact on the living conditions of future occupants. The quality of accommodation also includes the factors of natural lighting, outlook and privacy.
19. In both appeals the proposed ground floor studio 1 would be relatively long and narrow, with minimal outlook available from the lounge/bedroom area. The use of frosted glass in the roof lights and need to avoid views into the studio for users of the access ramp would add to the sense of enclosure in studio 1 for future occupants. The flats and studios at the upper floor levels at the front of the building would benefit from the new windows in terms of daylight and outlook. However, I have found above that the re-modelling of the front of the building would be unacceptable.
20. Turning to Appeal A, much of flat 4 would depend only on a single lounge window for natural light. Flat 7 would have similar circumstances, but with the addition of a roof light. Nevertheless, the outlook from these flats would be somewhat limited.
21. The appellant submits that the requirement in policy 3.8B of the London Plan to meet Lifetime Homes standards is not mandatory and largely steered towards larger purpose built developments and not directly to smaller developments or conversion schemes. However, I note that the appellant seeks to achieve the standards in the proposed ground floor studio 1 in both appeals and this could be secured through a condition.
22. Overall, whilst some of the flats and studios in Appeals A and B would provide acceptable living standards there are others where the outlook and received levels of natural light would be unduly limited. The proposals in both appeals would not provide a high standard of design and layout and would fail to safeguard adequately the living conditions of future residents. They would conflict with UDP policies D4 and D5C, and policies 3.5C/D and 7.2 of the London Plan. There would also be conflict with the Council's supplementary planning document: *Accessible Homes* and the *Residential Design Guide*.

#### **Other Matters**

23. Policies in the National Planning Policy Framework have been considered, but in the light of the facts in this case the Framework does not alter my conclusion.
24. All other matters raised have been taken into account, including the presence of flat roofs and 3 and 4 storey higher density purpose built developments in the area. The large advertisement board on the side of No.1A would be removed. The proposals would also add to the housing stock for the area.

25. However, none of these matters would be sufficient to outweigh the harm that I have identified in relation to the main issues above.

**Conclusion**

26. For the reasons given above, Appeals A, and B are dismissed.

*Martin H Seddon*

INSPECTOR

APPEAL

2043

Dismissed



# The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line 0272-218927  
Switchboard 0272-218811  
Fax No 0272-218769  
GTN 1374

Mr W H Saunders  
C & S Associates  
33 Woodberry Avenue  
North Harrow  
MIDDLESEX  
HA2 6BE

Your Reference

Our Reference

T/APP/M5450/A/93/228883/P2

Date

21 DEC 1993

LONDON BOROUGH OF HARROW	
Dept. of Environment and Planning	
23 DEC 1993	
PO/CM/COM	
Acknowledged	

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR A R SIDDIQUEY  
APPLICATION NUMBER:- WEST/393/93/FUL**

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the London Borough of Harrow Council to refuse planning permission for a rear extension and fire escape at No 2 The Broadway, Northolt Road, South Harrow. I have considered the written representations made by you and by the Council. I inspected the site on 23 November 1993.
2. From my inspection of the appeal site and its surroundings and from my reading of the representations, I consider the main issue in this case to be the impact of the proposal on highway safety in this locality.
3. The Harrow Borough Local Plan, adopted in 1986, has a fundamental aim to protect the environmental quality of the area from the impact of traffic. Accordingly the plan seeks adherence to the Council's published parking standards wherever possible, a policy restated in the Draft Unitary Development Plan which was the subject of a public inquiry earlier this year and is of significant weight in this case. National guidance in PPG13 advises that development which would cause highway danger or which would encourage drivers to park in the vicinity of busy junctions should be avoided.

- 1 -



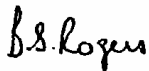
4. In this case your client's restaurant is located at a complex and busy double roundabout junction where the A312 meets 2 local distributor roads and 2 local residential roads. Around the junction are a number of varied commercial uses, including shops, public houses, offices and a petrol station but beyond these, the area is predominantly residential. No waiting is allowed at the junction itself and for a short distance along each of the roads in question. There is no public car park in the vicinity and most of the available on-street parking is in the surrounding residential roads, which the Council say are heavily used by the residents themselves. This is in my view a location where the generation of additional on-street parking would be unacceptable. It would be likely to give rise to vehicles manoeuvring to seek parking spaces in an area of very limited supply close to the junction, thereby obstructing traffic flows and posing a danger to highway users. To park further afield in surrounding residential roads would cause undue inconvenience to local residents.

5. My conclusions on the unacceptability of additional on-street parking in this area are similar to those of the previous Inspector who dismissed a similar appeal at this site in March of this year (DOE ref: T/APP/M5450/A/92/214893/P8). The size of the proposed extension to the dining area would require an additional 4 car parking spaces to conform to the Council's published standards. Only one space is presently provided on site and there is no scope to expand this provision. You stress that the current proposal is intended to improve facilities at the restaurant and that no increase in the present 48 seats is proposed. Your client is prepared to accept a condition limiting the restaurant to 48 seats. However, I agree with the Council that such a condition would be difficult to enforce. It would require constant monitoring and any breach would already be likely to have given rise to the unsatisfactory highway conditions referred to above. I conclude on the main issue that the proposal would give rise to additional on-street parking to the detriment of highway safety in this locality.

6. I have taken into account all other matters raised, including the benefit of improving the most unsatisfactory access to the upper floor flat which is currently via the restaurant kitchen. This matter is capable of being resolved independently of altering the restaurant itself. Neither this nor any of the other matters raised are of greater significance than the material considerations which have led me to my conclusion.

7. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully



B S ROGERS BA(Hons) DipTP MRTPI  
Inspector

- 2 -

### SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

None.

## SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

## SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.