

## SECTION 1 – MAJOR APPLICATIONS

Item No: 1/01

Address: BRADSTOWE HOUSE, HEADSTONE ROAD, HARROW

Reference: P/1205/13

Description: VARIATION OF CONDITION 18 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION EAST/106/01/FUL DATED 16/09/2005 TO INCREASE THE NUMBER OF RESIDENTIAL FLATS WITHIN THE DEVELOPMENT FROM 144 TO 177 AND REVISE THE MIX TO 51 ONE BEDROOM AND 126 TWO BEDROOM APARTMENTS, REMOVE THE CLASS D2 FLOORSPACE FROM THE FIRST FLOOR, REMOVE DOME AND BALUSTRADE FROM THE TOP FLOOR AND SIMPLIFICATION OF ELEVATION TO GROUND FLOOR ON GREENHILL WAY ELEVATION

Ward: GREENHILL

Applicant: COMER HOMES

Agent: SPRUNT LTD

Case Officer: ANDREW RYLEY

Expiry Date: 02/07/2013

### RECOMMENDATION

Delegated Authority be given to the Divisional Director of Planning to **GRANT** Minor-Material Amendment to planning application EAST/106/01/FUL by way of a variation of condition 18, as described in the application and submitted plans, following the end of the consultation period on the 30<sup>th</sup> May 2013.

### REASON

The alterations to the scheme would result in an economically viable development providing 177 new residential homes and new commercial floor space providing employment consistent with the objectives for the delivery of homes and employment within the adopted Harrow Core Strategy. The proposals would result in the transformation of a building that currently blights the town centre, and so improve the townscape of Harrow in this key location within the Heart of Harrow. The changes to the scheme, whilst including an increase in the number, and alterations to the mix and tenure, of residential units, are considered to result in minor impacts upon the amenities of surrounding residents, upon local traffic conditions and upon the environmental effects of the development upon its surroundings. The proposed changes do not result in any material new impacts upon interests of acknowledged importance. The benefits to securing the commencement of the development outweigh the harm to the delivery of affordable housing arising from the modification of the S106 agreement

The decision to **GRANT** the Minor-Material Amendment planning permission has been

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

Item No: 1/02

Address: BRADSTOWE HOUSE, HEADSTONE ROAD, HARROW

Reference: P/1206/13

Description: APPLICATION FOR MODIFICATION OF SECTION 106 AGREEMENT DATED 16/09/2005 RELATING TO LAND AT BRADSTOWE HOUSE, HEADSTONE ROAD, HARROW TO AMEND SCHEDULE 2 PARAGRAPH 1 TO PROVIDE RENTED ACCOMMODATION WITHIN THE SCHEME RATHER THAN CONTRIBUTE TO AFFORDABLE HOUSING OFF SITE

Ward: GREENHILL

Applicant: COMER HOMES

Agent: SPRUNT LTD

Case Officer: ANDREW RYLEY

Expiry Date: 26/06/2013

## **RECOMMENDATION**

Delegated Authority be given to the Divisional Director of Planning to agree Section 106 modification, following the end of the consultation period on the 30<sup>th</sup> May 2013. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Deed of variation and to agree any minor amendments to the conditions or the legal agreement. The Deed of Variation would cover the following matters:

- i) Alterations to the provision of Affordable Housing clauses
- ii) Insertion of new clauses in relation to Employment Training
- iii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.

## **REASON**

The purpose of the obligation would enable the delivery of 177 additional new homes to the Borough, unlocking a stalled site to contribute to meeting the Boroughs Housing Needs, in accordance with the objectives of The London Plan (2011) and the adopted Core Strategy (2012). Whilst the scope for the development to contribute towards affordable housing would be materially diminished by the amendment to the S106, the wider benefit to the delivery of housing in the borough, and the transformation of the derelict site is considered to outweigh the adverse impact upon affordable housing delivery. The amendment to provide for new construction skills initiatives as part of the development would have a positive contribution to the achievement of the employment

objectives of the adopted Core Strategy (2012) and The London Plan (2011).

## **INFORMATION**

These applications are reported to the Committee as the number of residential units and floorspace proposed falls outside of the thresholds (six units and 400 sq m respectively) set by category 1(d) of the Council's Scheme of Delegation for the determination of new development. The development is of an important nature that warrants the consideration of the Planning Committee.

As the original planning permission was granted on an application received by the local planning authority before 6 April 2008, it is not referable to the Mayor of London under the Town and Country Planning (Mayor of London) Order 2008, nor is it now liable for the payment of the Mayors Community Infrastructure Levy, because there is no change in the approved floorspace.

**Statutory Return Type:** 12 – Small-scale Major Development

**Council Interest:** None

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

## **Site Description**

- The application site comprises Bradstowe House, a ten storey building that is a subject to an approved planning permission (ref EAST/106/01/FUL). The development is partially constructed. Works on site ceased in Late 2008 and have not recommenced. Only the superstructure that has been completed – and this has recently been subject to some graffiti. The site is enveloped by a hoarding at ground floor level. .
- Planning permission was granted in 2005 for a multi-storey development arranged in terraced blocks with finished height ranging from 2-10 storeys high and comprising 144 open market apartments (128 x 2 bedroom units and 16 x 1 bedroom units), retail floorspace of 1,617 sq m, a health club/leisure centre of 3,273 sq m, a servicing area of 499 sq m and two floors of basement car parking to provide 167 spaces.

## **Proposal Details**

- This is a Minor-Material Amendment application made under Section 73 of the Town and Country Planning Act 1990 (as amended). The proposal seeks to vary condition 18 (approved plans) attached to planning permission EAST/106/FUL/01 dated 16/09/2005.
- The proposal would result in the following changes from the scheme approved by the Council under planning permission EAST/106/FUL/01 in 2005:
  - Change the first floor from commercial (Use Class D2) to residential (Use Class C3);
  - Change in number of units from 144 apartments to 177;
  - Revise the mix of residential units to 51 one bed and 126 two beds;
  - Remove of top floor dome and balustrade around the top floor;
  - Simplification of elevation to ground floor on Greenhill Way elevation.
- In addition to the physical changes proposed, the applicant is seeking to modify the terms of the original Section 106 Agreement that was entered into as part of the original planning permission. Specifically, the applicant is proposing to remove the clause that requires them to pay to the Council the outstanding balance of the total commuted sum regarding for the provision of off-site affordable housing, which totals £2,064,960. In lieu of this, the applicant is proposing that the entire development

would be for a 'private rented' accommodation.

### **Applicant Statement**

- The commercial viability of Bradstowe House has been marginal for some time and as a result the building has remained uncompleted. Through a combination of design changes, an increase in the number of units in the scheme, a revision to the Section 106 obligations and a new target market for the accommodation our proposals will now allow for an early re-commencement of the scheme.
- Rather than housing for sale, our proposals involve providing the majority of the apartments for market rent, owned and managed by a major London housing association. To achieve a viable scheme the first floor of commercial has been changed to residential and, along with a change of mix on the intermediate floors; the number of apartments has been increased to 177. The rented accommodation will be managed to a high standard.. This will provide a much needed source of additional accommodation in the borough.
- While the intention is to retain the overall appearance of the original scheme, it is proposed to remove the dome and balustrade on the top floor which will reduce the overall height of the buildings. At the same time it is proposed to simplify the arched appearance of the ground floor commercial element. Together, these changes will give the building a more contemporary feel, more in keeping with recent adjacent developments.
- Detailed design work has already been undertaken on the revised scheme and the contractor/develop of the scheme is ready to restart construction in September 2013 with a planned completion 67 weeks later, subject to the approval of this application.

### **Relevant History**

EAST/106/FUL/01 Demolition Of Existing Buildings:2-10 Storey Building With Two Level Basement Parking To Provide Retail, Leisure Use & 144 (Resident Permit Restricted) Flats & Roof Garden  
Granted : 16/09/2005

P/1155/13 Non-Material Amendment To Add A Condition Detailing The Approved Plans To Planning Permission EAST/106/FUL/01 Dated 16/09/2005 For 'Demolition Of Existing Buildings:2-10 Storey Building With Two Level Basement Parking To Provide Retail, Leisure Use & 144 (Resident Permit Restricted) Flats & Roof Garden'  
Granted : 01/05/2013

### **Consultations**

Highway Authority: Awaiting response  
Housing Officer: Awaiting response  
Environmental Health: Awaiting response  
Campaign for a Better Harrow Environment: Awaiting response  
Roxborough Residents Association: Awaiting response

### **Advertisement**

Major Development / General Notification – Expiry 30/05/2013

### **Notifications**

Sent: 364  
Replies: 0 (to date)  
Expiry: 29/05/2013

## Summary of Responses

- N/A

## APPRAISAL

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

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].

The National Planning Policy Framework [NPPF] which consolidates national planning policy has been adopted, and has now been in place for over 12 months and is considered in relation to this application. Therefore, as stated at paragraph 214, the period in which decision takers can continue to give full weight to policies adopted since 2004, but before the NPPF came into force, will be at an end. Paragraph 215 states that 'following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

Whilst Harrow's Core Strategy was adopted one month before the NPPF came into force, it was subject to a consultation on its conformity with the draft NPPF, and the Inspector's report concludes that the Core Strategy is in conformity with the NPPF. Accordingly, Harrow's saved Unitary Development Plan (2004) Policies can continue to be used, and be given due weight as affords their consistency with the NPPF.

Harrow's emerging Local Plan policies in the Development Management (DM) Policies Development Plan Document (DPD), Harrow and Wealdstone Area Action Plan (AAP) and Site Allocations DPD are at a very advanced state of preparation. The Examination in Public hearing sessions have now been concluded, and a consultation on further Main Modifications to each of the Local Plan Documents will run from 21st March - 3rd May 2013. There are no real substantive unresolved issues with regards to any of the policies in any of the documents. In line with NPPF paragraph 216, the policies in these documents can be afforded substantial weight.

## Background

This application is for a 'Minor Material Amendment', under a procedure introduced by the Government in 2009. The applicant applies to vary the planning condition under Section 73 of the Town and Country Planning Act 1990 (as amended) which sets out the approved plans for the development, by substituting some or all of these plans which indicate the changes to the scheme.

Government Guidance on 'Minor Material Amendments' does not define what changes may be treated as 'minor material amendments' although the government has confirmed that they "agree" with the definition proposed by WYG (White Young Green Planning and Design): "*A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved*". This is not, however, a statutory definition.

It is therefore the responsibility of each Local Planning Authority to determine the definition of 'minor material'. A judgement on "materiality" in any particular case is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole, not just part of it. The basis for forming a judgement on materiality is always the original planning permission. The cumulative effects of any previous amendments need also to be assessed against any original permission.

The effect of the Section 73 application is to issue a new planning permission.

## **MAIN CONSIDERATIONS**

### **Principle of Development**

The approved development at this site is for the demolition of the existing buildings and replacement with a mix two to ten storey building (with two level basement parking) to provide a mix of retail and leisure uses and 144 flats (which are subject to a resident permit restricted). All of the approved flats were to be for private ownership, and the terms of the Section 106 Agreement required that, upon the commencement of development, the applicant made a payment of £1,032,660 for the provision of off-site affordable housing, and, within two years of commencement, a further payment of £2,064,960. The latter of these payments is still outstanding.

As Members will be well aware, whilst the planning permission has been implemented, for a number of reasons, not least the economic crash of 2008, the construction has stalled, and the completed superstructure of the building has stood unattended for a number of years, blighting the appearance of this part of the town centre..

Comer Homes, the current owners of the building, have with the support of a new development partner, made two applications to the Council. One is a Minor-Material Amendment application, which would result in a number of internal and external changes to the approved development. The second is an application to modify the terms of the original Section 106 Agreement, in particular the provisions relating to the payment of the outstanding commuted sum

This Minor-Material Amendment application seeks to substitute all of the plans approved under permission EAST/106/01/FUL. As referred to above, the proposed changes to the scheme would result in: the substitution of the Class D2 (Assembly and Leisure) space on the first floor with residential accommodation; the number of residential units increasing to 177; the mix of residential units changing to 51 one bed and 126 two beds; and, external changes consisting of the removal of the dome and balustrade around the top floor and simplification of elevation to ground floor on Greenhill Way elevation.

For the most part, there would not be any changes to the substantive physical components of approved scheme. For example, the overall size and scale of building would remain the same (although the top floor would now not include the previous approved glazed 'dome'); subject to modifications at ground floor, the overall design and style of the building would remain the same; the total amount of floorspace would not increase or decrease; the access and number of parking spaces would remain the same; finally, the commercial uses on the ground floor of the building would remain.

In considering whether to accept an application of this type, the committee must consider whether the changes proposed to the scheme, both individual and on a cumulative basis,

would result in a development that is substantially different from the one that has been approved. Having considered this first matter, the Committee must then decide whether the amendments proposed, having regard to the development plan and any other material consideration, are acceptable.

On the basis of the Government's definition – "A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved" – it is considered that the proposed development could reasonably constitute a minor-material amendment. Clearly, whilst the number of units would increase, fundamentally, the nature of a mixed use scheme would not. The changes are predominantly internal, and therefore would not be apparent in this regard. The external changes that are proposed are relatively minor, and again would not significantly impact on the overall quality of the development; arguably, the removal of the balustrade and dome would improve the aesthetics of the building.

In considering this application under Section 73 of the Act, because it effectively issues a new planning permission that will replace the existing one, due consideration must nevertheless be given to all aspects of the development, the site history and material planning considerations. As the Council granted planning permission within the context of the site circumstances at that time and the policies of the Development Plan in force in 2005, it is appropriate then to re-consider the scheme in the context of the relevant changes in site circumstances and policy since the original grant of planning permission, and any other material considerations.

In terms of the site circumstances, clearly the development has commenced but has stalled, and the unfinished shell of the building has been left with attention for some years now. As such, the site circumstances have changed since the last application, and are such that the application must be considered favourably in the context of trying to secure a scheme that is deliverable and will result in an improvement in the context of the current site circumstances.

In this instance, at national policy level, the National Planning Policy Framework (2012) has consolidated previous National Planning Policy Statements and Guidance and re-defined the presumption in favour of sustainable development. Importantly, alongside the NPPF, S143 of the Localism Act 2011 introduced an obligation to consider local economic considerations insofar as they are relevant to the determination of planning applications. At regional level, The London Plan (2011) has replaced the consolidated London Plan from 2004 and, at a local level, Harrow Council has adopted the Harrow Core Strategy 2012 since the previous consideration of planning application. The saved policies of the Harrow Unitary Development Plan 2004 considered previously are still relevant though the adoption of the Core Strategy has resulted in some policies of the UDP being deleted.

#### National Planning Policy Framework (2012)

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

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

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

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

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

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

For **decision-taking** this means:

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

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

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

- an evidence-based approach to managing the release of surplus employment land and securing appropriate re-provision of new floorspace that meets the current and future economic needs of the Borough (*building a strong, competitive economy*);
- promoting development in town centres to meet evidenced retail needs and to sustain their competitiveness within the regional hierarchy of centres (*ensuring the vitality of town centres*);



- ensuring that major development takes place in accessible locations to benefit from, and support investment in, sustainable transport (*promoting sustainable transport*);
- the delivery of a quantum, mix and affordability of homes to meet evidenced needs over the plan period on previously developed land including mixed-use redevelopment of redundant offices where appropriate, but without relying on the development of garden or other windfall sites (*delivering a wide choice of high quality homes*);
- securing good, inclusive design through new development within the Intensification Area and ensuring that the character of suburban areas is safeguarded (*requiring good design*);
- meeting the needs of the community by ensuring the delivery of social infrastructure such as healthcare and educational facilities, and ensuring the protection, improvement and new provision of open space (*promoting healthy communities*);
- ensuring the continued protection of the Green Belt by delivering development on previously-developed land within the existing urban area (*protecting Green Belt land*);
- managing flood risk and mitigating climate change (*meeting the challenge of climate change, flooding and coastal change*);
- steering development away from environmentally sensitive areas and funding the implementation of nature conservation and enhancement projects (*conserving and enhancing the natural environment*); and
- providing a positive framework for the management of and investment in the historic environment (*conserving and enhancing the historic environment*).

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

#### Harrow Core Strategy (2012) and The London Plan (2011)

The proposal seeks to locate 177 dwellings and commercial floorspace within Harrow Metropolitan Centre boundary. Harrow's Core Strategy (2012) and The London Plan (2012) designate the site as part of an Intensification Area to accommodate almost 50% of the Borough's jobs and housing growth. This proposal therefore makes a material contribution within the Intensification Area to meeting the Borough's housing and jobs targets and supporting the strategic policy direction of Harrow's Spatial Strategy, as set out in Core Strategy Core Policy CS1 (Overarching Policy) A and The London Plan (2012) policy 2.13B. The site is located within the boundary of the Metropolitan Centre designation, and involves the redevelopment of Brownfield land, in line with Core Strategy Core Policy CS1 (Overarching Policy) and the objectives of the Spatial Vision – which seeks to steer development away from green spaces towards previously developed land.

The principal of the mix of uses on site also complies with The London Plan (2011) policy 2.15C to accommodate appropriate economic and housing growth through intensification in town centre locations and policy 4.7B as the new commercial floorspace will be in centre, and is of a scale appropriate to a site in a Metropolitan centre, but away from the Primary shopping parades. The overall mix, type and quantum of development are therefore in line with Harrow's spatial strategy, and there are no conflicts with The London Plan (2011).

On a strategic level, it is therefore considered that the application is in broad conformity with the Development Plan for the area. As such, it is considered that the application is also consistent with the NPPF.

#### Draft Harrow and Wealdstone Area Action Plan (Main Modifications 2012)

Members will be aware that the Council, with support from the Greater London Authority, is preparing an Area Action Plan (AAP) which is a detailed Masterplan for Harrow and Wealdstone, including new planning policies to help guide development and accommodate growth in the area. The Heart of Harrow, identified in the London Plan as the Harrow and Wealdstone Area for Intensification, includes Harrow town centre, large parts of Wealdstone and the Station Road corridor that links the two centres.

This site forms one of the key sites in the Harrow Town Centre West sub-area within the AAP. The AAP sets out that the strategic objectives for this sub-area are the delivery of 426 houses and 610 jobs; improve the image and create a clear town centre boundary edge; and, enhance the connectivity through and within the area through urban realm improvements.

The Bradstowe House site itself is identified as Development Site 14. The AAP sets out that the key objective for this site is a “Mixed use scheme including residential, retail and leisure uses contributing to the Heart of Harrow housing and job targets.”

The AAP notes that, in terms of the site constraints / dependencies, that the consented leisure use is now not viable within the building design. This is reflected in this application, which would replace the leisure use with flats. As a consequence, the total number of flats created (177) would exceed the targeted output of 144, but it is not considered that the application is unacceptable because of this. This is a target to aim for, not a specific requirement.

It is considered that in broad terms the proposed development is consistent with the emerging policies within the AAP.

#### Conclusion

Having regard to the strategic policy considerations within the Development Plan, set out above, and all other material planning considerations, including the emerging strategy for this site set out in the Area Action Plan DPD, the principle of a mixed use development, delivered through residential land uses and constructed at a density reflective of a town centre location is considered to be acceptable and consistent with the adopted NPPF. The range and broad arrangement of the land uses across the site is also considered to be acceptable in principle.

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

#### **Scale, Layout, Design and Character and Appearance of the Area**

The scale and layout of the development has previously been considered to be appropriate within its context, whilst respecting the character and appearance of the locality and the host property. National planning policy guidance continues to advocate the importance of good design though it is notable that the idea of ‘design-led’ development has not been carried through from previous national policy guidance to the

National Planning Policy Framework. Nonetheless, London Plan policies 7.4.B, 7.5.B and 7.6.B adopted since the consideration of planning application and policy CS1.B of the Core Strategy set out a number of design objectives for new developments and require development to respond positively to local context and reinforce the positive attributes of local distinctiveness, with the underlying objective of requiring new development to be of high quality design.

It is considered that the objectives of the more recently adopted policy differ little from the objectives of the now superseded Planning Policy Statement 1: Delivering Sustainable Development and policy 4B.1 of the consolidated London Plan 2004. Furthermore, saved UDP policy D4, on which the primary assessment of design and appropriateness within the context of the locality is based, remains unaltered as part of the development plan. Deriving a different conclusion therefore to that previously given on the appropriateness of design would be unsustainable, given the minor changes in policy context, the continued emphasis and thrust of national, regional and local plan policy on high quality design, and the absence of any material changes in the site circumstance or other material planning considerations.

As set out above, the scheme proposes changes to the fenestration that reflects the revised mix of units and rationalisation of the layout. Overall, the revised scheme would respect the scale and design approach of the approved scheme, in terms on L-shaped building that fronts onto Headstone Road and Junction Road, and also addresses the Greenhill Way roundabout. Accordingly, it is considered that the proposed development would accord with national planning policy and the policies and proposals of the Development Plan.

### **Accessibility**

The previous application was assessed against saved Policies D4 and C16 of the Harrow Unitary Development Plan (2004). However, the previous policies of the 2004 London Plan have been superseded by policy 3.8 of The London Plan (2011), which seeks to ensure that all new housing is built to Lifetime Homes standard, and The London Plan policy 7.2, which requires all future development to meet the highest standards of accessibility and inclusion. The supporting text at paragraph 4.112 emphasises that a truly inclusive society is one where everyone, regardless of disability, age or gender can participate equally. Proposals for new residential development, as far as possible, seek to comply with Lifetime Homes Standards. Supplementary Planning Document *Accessible Homes 2010* (SPD) outlines the necessary criteria for a 'Lifetime Home'.

Because, the previous development has been commenced, the building is constructed and configured to conform to the standards that were in place in 2005. The applicant has submitted a Lifetimes Home statement, setting out that, notwithstanding the constraints of the original building envelope, that the majority of the development would comply with the criteria of the Lifetimes Homes standards where appropriate.

At the time of the previous application, there were no set minimum Gross Internal Areas (GIA) for new development proposals. Table 3.3 of The London Plan (2011) specifies minimum GIA for residential units. Paragraph 3.36 of the London Plan (2011) specifies that these are minimum sizes and should be exceeded where possible. The use of these residential unit GIA's as minima is also reiterated in Appendix 1 of the SPD. As The London Plan (2011) has been adopted, the flat size GIA's have considerable weight. Policy 3.5C of The London Plan (2011) also specifies that Boroughs should ensure that, amongst other things, new dwellings have adequately sized rooms and convenient and

efficient room layouts. In view of paragraph 59 of the NPPF and Policy 3.5C of The London Plan (2011), and when considering what is an appropriate standard of accommodation and quality of design, the Council has due regard to the Mayor of London's Housing Supplementary Planning Guidance (SPG) (November 2012). As an SPG, this document does not set new policy. It contains guidance supplementary to The London Plan (2011) policies. While it does not have the same formal Development Plan status as these policies, it has been formally adopted by the Mayor as supplementary guidance under his powers under the Greater London Authority Act 1999 (as amended). Adoption followed a period of public consultation, and it is therefore a material consideration in drawing up Development Plan documents and in taking planning decisions. Furthermore, the Council's adopted Supplementary Planning Document (SPD): Residential Design Guide (2010) also sets out minimum Gross Internal Areas (GIA) for different size residential units.

This matter must be considered in the context of a building that has already been partly constructed, and therefore the envelope of this acts as a constraint. The majority of the units would, however, meet the current standards (in some places the units are very generously sized), but it is noted that there are some that would not. Given the above, it is considered that the application is acceptable in this respect.

### **Planning Obligations**

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

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

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

Government Circular 05/2005 also provides guidance on the use of planning obligations, which may impose a restriction or requirement, or provide for payment of money from the developer to make acceptable development proposals that might otherwise be unacceptable in planning terms. These obligations may offset shortfalls in the scheme or mitigate the impacts of the development.

The applicants have made it clear that in order for works to re-start, this application, if approved by Members, also requires a deed of variation to the original Section 106 Agreement (dated 16/09/2005) being entered into by the applicant and the Council. This deed of variation would remove the obligation in the Section 106 Agreement that requires the developer to make a payment of £2,064,960 as part of a commuted sum for the provision of off-site affordable housing.

It is understood that, as part of the current owner's agreement to develop the site, a private rented model would be pursued by a Registered Social Landlord, but, in order to secure the variability of the scheme, there would be a number of market sales units that would cross subsidise this. In its 2012 report on private rented housing delivery, the

Performance and Finance Scrutiny Committee identified a number of objectives in addressing challenges in the private rented sector. The report recommended investigating measures to stimulate new, large scale private rented housing delivery, with an appropriate stable and consistent governance and management regime. Private rented housing in Harrow has a significant contribution to play in the meeting housing need and the Council's emerging Housing Strategy seeks to encourage appropriate private rented homes, as part of a diversified housing delivery programme.

Whilst disappointed that the outstanding funds for off-site affordable housing delivery are not currently able to be provided by the development, the Council's Housing Division are broadly supportive of the large scale private rented housing solution, proposed in this case. In recognition of clear advice from government to have regard to development viability, officers are nevertheless seeking to negotiate with the developers to establish a means by which the viability of the development (and its ability to contribute to affordable housing) might be reassessed at a later point in time prior to occupation of the development. This would allow a revised assessment of the schemes ability to contribute towards affordable housing at a time when market conditions (and values) are expected to be more robust. Given that discussions in this area are at an early stage, officers expect to provide a further report on this particular issue, for the committee meeting.

Therefore, in lieu of this payment as required at present, a new clause would be inserted into the Section 106 Agreement that would require a review mechanism of the viability of the sales units. This would work as 'claw back' clause, and ensure that a percentage of any uplift in the value of those sales units – compared to their current valuation – could be returned to the Council, for which we would then seek to provide off-site affordable housing.

In addition to these matters, new provisions for the delivery of onsite training for local people would be secured, including the submission of a Recruitment Training and Management Plan.

At this time, the exact details of the changes to the Section 106 Agreement are still be considered by the Council's Housing and Legal officers, and therefore Officers will update Members on the day of the Committee.

### **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. The proposals are considered to provide high quality, accessible new homes and employment space. The proposals contained in the application are not considered too

given rise to a disproportionate impact upon the protected characteristics of any one group.

### **Consultation Responses**

Given the early stage of consultation reached at the time of writing the report, specific responses to and assessment of such comments received as part of the application process will be provided to the committee by way of an addendum report.

### **CONCLUSION**

Officers are satisfied, having regard to the impacts of the changes proposed to this development that the current application can be treated as a minor material amendment to the original planning permission. The alterations to the scheme would result in a viable development that the applicants claim will enable works on this stalled site to re-start quickly. This would result in the transformation of a building that currently blights the town centre, and so improve the townscape of Harrow in this key location – in line with the clear aspirations of the NPPF, The London Plan and the Harrow Core Strategy (and emerging DPD's). The changes to the scheme, whilst including an increase in the number, and alterations to the mix and tenure, of residential units, are considered to be minor in the context of the Government's guidance for these types of applications. Subject to the modification of the S106 agreement to provide for effective construction skills training for local apprentices and the variation of the S106 agreement to optimise opportunities for affordable housing delivery, the proposals are considered, overall, to be acceptable and approval is accordingly recommended.

### **CONDITIONS**

1 The following condition shall have the effect of varying condition number 18 on full planning permission reference EAST/106/01/FUL dated 16 September 2005 (as inserted by Non-Material Amendment permission ref.P/1155/13 dated 01 May 2013) to read:-

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

12418 02 00 Rev D1, 12418 02 01 Rev D1, 12418 02 02 Rev D1, 12418 02 03 Rev D1, 12418 02 04 Rev D1, 12418 02 05 Rev D1, 12418 02 06 Rev D1, 12418 02 07 Rev D1, 12418 02 08 Rev D1, 12418 02 09 Rev D1, 12418 02 10 Rev D1, 12418 02 11 Rev D1, 12418 02 12 Rev D1, 12418 02 13 Rev D1, 12418 02 14 Rev D1

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

2 The permission hereby granted is supplemental to planning permission ref:

EAST/106/01/FUL granted by the Council on 16<sup>th</sup> September 2005. Save as modified by this permission the terms and conditions of planning permission ref: EAST/106/01/FUL are hereby ratified and remain in full force and effect unless as otherwise agreed in writing by the Council.

REASON: To ensure compliance with planning permission ref: EAST/106/01/FUL.

### **INFORMATIVES**

1 SUMMARY OF REASONS FOR GRANT OF SECTION 73 APPLICATION:

The alterations to the scheme would result in a viable development that could be delivered. This would result in the transformation of a building that currently blights the town centre, and so improve the townscape of Harrow in this key location. The changes to the scheme, whilst including an increase in the number, and alterations to the mix and tenure, of residential units, are considered to be minor in the context of the Government's guidance for these types of applications.

## 2 REASON FOR GRANT OF SECTION 106A MODIFICATION APPLICATION

The purpose of the obligation would be served equally well if the obligation had effect subject to the modifications specified in the application as the impact of the proposed development in terms of the delivery of affordable housing would be acceptable.

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
- 3.3 – Increasing housing supply
- 3.4 – Optimising housing potential
- 3.5 – Quality and design of housing developments
- 3.8 – Housing Choice
- 3.9 – Mixed and balanced communities
- 3.11 – Affordable Housing Targets
- 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 4.1 – Developing London's Economy
- 4.7 – Retail and town centre development
- 4.8 – Supporting a successful and diverse retail sector
- 4.9 – Small shops
- 4.12 – Improving Opportunities for all
- 5.1 – Climate change mitigation
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.7 – Renewal energy
- 5.9 – Overheating and cooling
- 5.10 – Urban greening
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 6.1 – Strategic approach
- 6.2 – Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.10 – Walking
- 6.13 – Parking
- 7.1 – Building London's neighbourhoods and communities
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.6 – Architecture
- 7.7 – Location and design of tall and large buildings
- 7.13 – Safety, security and resilience to emergency
- 7.14 – Improving air quality
- 7.15 – Reducing noise and enhancing soundscapes
- 8.1 – Implementation
- 8.2 – Planning obligations

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

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

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

S1 – The Form of Development and Pattern of Land Use  
SEM1 – Development and the Boroughs Regeneration Strategy  
SEM2 – Hierarchy of Town Centres  
D4 – The Standard of Design and Layout  
D5 – New Residential Development – Amenity Space and Privacy  
D9 – Streetside Greenness and Forecourt Greenery  
D23 – Lighting  
H7 – Dwelling Mix  
EM24 – Town Centre Environment  
T6 – The Transport Impact of Development Proposals  
T13 – Parking Standards  
EP12 – Control of Surface Water Run-Off  
EP25 – Noise  
C16 – Access to Buildings and Public Spaces  
C17 – Access to Leisure, Recreation, Community and Retail Facilities

### **Other Relevant Guidance:**

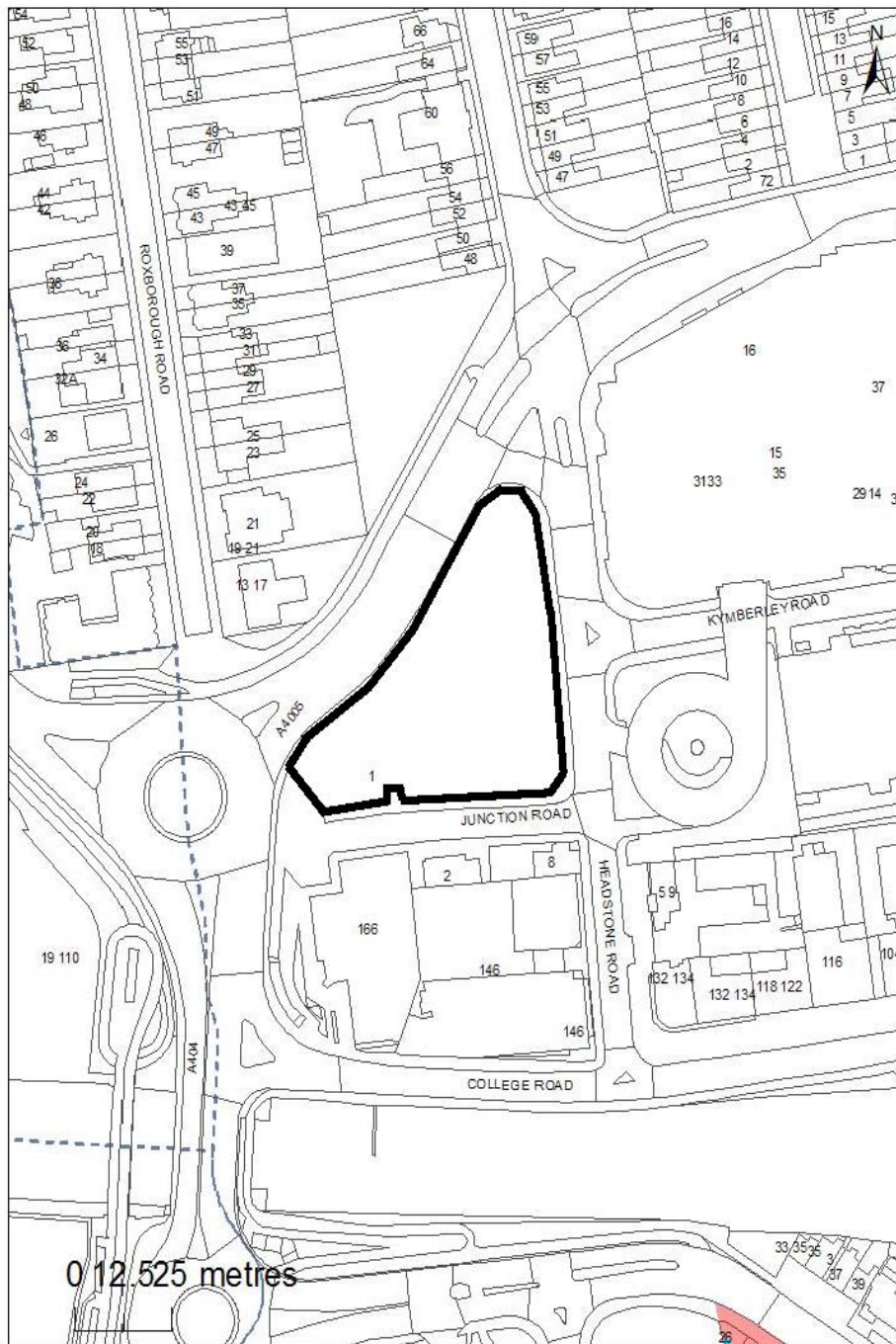
Supplementary Planning Document: Residential Design Guide (2010)  
Supplementary Planning Document: Accessible Homes (2010)  
Supplementary Planning Document Sustainable Building Design (2009)  
Supplementary Planning Document: Access for All (2006)  
Code of Practice: Refuse Storage and Collection of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

### **Harrow and Wealdstone Area Action Plan Main Modifications (2013) AAP 1 Development Management Policies DPD Main Modifications (2013) DM1, DM52**

Plan Nos: 12418 02 00 Rev D1, 12418 02 01 Rev D1, 12418 02 02 Rev D1, 12418 02 03 Rev D1, 12418 02 04 Rev D1, 12418 02 05 Rev D1, 12418 02 06 Rev D1, 12418 02 07 Rev D1, 12418 02 08 Rev D1, 12418 02 09 Rev D1, 12418 02 10 Rev D1, 12418 02 11 Rev D1, 12418 02 12 Rev D1, 12418 02 13 Rev D1, 12418 02 14 Rev D1



**BRADSTOWE HOUSE, HEADSTONE ROAD, HARROW**



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## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No. 2/01  
Address: LAND REAR OF 350-352 EASTCOTE LANE, SOUTH HARROW  
Reference: P/0114/13  
Description: CONSTRUCTION OF A PAIR OF SEMI-DETACHED DWELLING-HOUSES AND ASSOCIATED PARKING LANDSCAPING BIN AND CYCLE STORAGE  
Ward: ROXBOURNE  
Applicant: PANSTAR LIMITED  
Agent: BIDWELLS  
Case Officer: GERARD LIVETT  
Expiry Date: 17 APRIL 2013

### RECOMMENDATION

**GRANT** permission subject to conditions:

### REASON

The decision to grant planning permission has been taken as the proposal would provide an additional two 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 the National Planning Policy Framework, 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 a petition of 42 signatures opposing the proposal has been received and the Divisional Director of Planning considers that the matter should be referred to the Planning Committee, in accordance with category 13 of the Scheme of Delegation dated 14 March 2012.

Statutory Return Type: Minor dwellings

Council Interest: None

Net additional Floorspace: 167 sq. m.

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £ 5,845

## Site Description

- The application site comprises a car parking area associated with a car engine tuning business.
- The access to the site is from a service road for the properties fronting Eastcote Lane accessed from Kings Road
- The site has residential properties on four sides (other than the access road) in Eastcote Lane to the South, Kings Road Bungalows to the east, Stradbroke Close to the north and Salter Close to the west
- The Eastcote Lane properties adjoining the site are two-storey properties, while those between Kings Road and the site are two-storey properties with commercial uses at ground floor with a variety of rear extensions
- The Kings Road Bungalows are single-storey dwellinghouses
- The properties on Stradbroke Close and Salter Close are two-storey dwellinghouses

## Proposal Details

- The application proposes the redevelopment of the site to provide two two-storey two-bedroom semi-detached dwellinghouses with two car parking spaces, landscaping, two cycle stores and two refuse stores.
- The building would be 11.5m wide and 8.5m deep and would be a total of 8.6m high with a gabled roof
- The houses would have their main entrances facing south (towards properties in Eastcote Lane) and, apart from bathroom windows in the flank elevations, would have windows in the front and rear elevations only
- Each house would have a garden area, with one having a 62 m<sup>2</sup> rear garden and the other a 98 square metre rear garden.
- Vehicular access to the site would be along the service road which would be provided with low level lighting

## Revisions to Previous Application

- N/A

## Relevant History

- The planning history of this site relates to the construction of garages on the car park area in 1960

HAR/15970/D – Erect 8 lock up garages, extension to access road  
GRANTED : 20-DEC-1960

## Pre-Application Discussion (Ref. HA\2012\ENQ\00224)

The redevelopment of the land is acceptable in principle. Careful consideration needs to be made of the design of the buildings, including providing an inclusive environment, the positioning of windows, the provision of amenity space and parking and creating a pedestrian-friendly environment that reduces the potential for crime and disorder on the access road.

## Applicant Submission Documents

- **Design and Access Statement**
- Site is previously-developed land
- Layouts of properties would comply with Lifetime Homes
- Back-to-back spacing distance is 20m with a 3m high boundary wall

- Access Road is owned by applicants
- Turning area would be provided within the site
- Unlit access road currently provides access for residential properties and would be improved by addition of lighting
- Properties would be constructed to Code Level 3
- **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**

**Crime Design Prevention Officer:** No response received

**Highways Authority:** Parking layout and level of provision shown is acceptable. Improvements to lighting in access road are welcomed as this would improve the pedestrian environment in both safety and environmental terms.

The main issue is with regard to refuse collection. As we know the site is deep in setting i.e. 80 - 90m from the entry point in Kings Road. It is recommended best practice on safety grounds that such large vehicles should enter and leave in a forward gear in order to avoid reversing manoeuvres. This is particularly relevant given the fact there is no 'turning head' provided for the service road so no doubt there are likely to be occurrences that refuse vehicles and similar are currently forced to reverse in which we cannot condone. However as we have an imperfect situation with regard to servicing the existing shopping parade fronting Eastcote Lane which we do not want to exacerbate with this proposal, a condition must be placed on the site management company to ensure that bins are moved to within a distance of 10 m from the access road entry point at Kings Road on collection days in accord with the Council's refuse code of practice and best practice recommendations within the government's Manual for Streets document in order to discourage refuse vehicles from reversing into the service road.

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

## **Advertisement**

General Notification

Expiry: 27-Mar-2013

## **Site Notice**

Expiry: 27-Mar-2013

## **Notifications**

Sent: 45

Replies: 1, plus petition with 42 signatures

Expiry: 22-Mar-2013

## **Addresses Consulted**

Eastcote Lane: 326-326a, 326a, 328a, 330, 330a, 332, 332a, 334, 334a, 336, 336a, 338,

338a, 340, 340a, 342, 342a, 344, 344a, 346, 346a, 348, 348b, 348c, 350, 352, 354

Stradbroke Close: 1, 2, 3, 4, 5

Salter Close: 6, 7, 8

The Bungalows, Kings Road: 1, 2, 3, 4, 5, 6, 7, 8, 9

## Summary of Responses

- Loss of privacy as proposed development would look directly into neighbouring properties. Development will be facing my house approximately 45 feet (13m) away and people will be able to see directly into the rear of my property and invade my privacy.
- Overdevelopment of the land to the detriment of neighbouring residents.
- Loss of light to nearby properties which would compound other development nearby.
- Noise and disturbance from traffic to the rear of my property

Petition text:

- We the undersigned express considerable concern and urge Harrow Council to refuse the planning application for the following reasons:
- That the development of two houses on this remote and isolated plot of land would result in an over intensive use, and amount to overdevelopment, of the site to the detriment of neighbouring residents
- Loss of light to nearby properties – predominantly bungalows
- Loss of privacy as the new development would directly overlook and into neighbouring properties
- Traffic generation, potential noise and disturbance to adjoining properties from traffic accessing the site along a shop service road, which is regularly used by delivery vehicles, to access the businesses
- Added disturbance from traffic accessing an alleyway at a busy road junction
- Impact on the proposal on the amenity and character of the area
- The consultation did not include all those affected by the development

## 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 ran until Friday 3rd May and sought 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**

### **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 redundant car park that was associated with a car tuning business. The entrance to the car park is currently blocked off by concrete barriers. 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 change of use of the land to residential is considered acceptable as the site is surrounded by residential properties.

The proposed redevelopment would provide two two-bedroom houses, which represents a residential density of 50 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 2 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.

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.

### **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 dwellinghouses to the north and west are terraces of two storeys in height with gable roof designs. The properties to the east are a terrace of single-storey dwellings with hipped roofs, albeit with the central house having a rear dormer.

In that regard, it is considered that the design and scale of the proposed dwellinghouses would be in keeping with the pattern of development in the area with regard to the two-storey dwellinghouses to the north and west in Stradbroke Close and Salter Close.

Outline details, but no samples, of the proposed materials for the development have been supplied. 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.

A representation has been received noting that the proposal would represent overdevelopment of an isolated plot of land. It is recognised that the site is not a conventional development plot insofar as it is not directly accessed from a public highway. However, it should be noted there are other residential uses – on the upper floors of buildings fronting Eastcote Lane – accessed from the service road. In addition, the site is previously-developed land within a residential area, and the proposed density is appropriate for this location.

On balance, it is considered that the residential use of this land would be more appropriate than a commercial use.

Notwithstanding the above, any extensions to the proposed dwellinghouses would significantly change the amount of development on the site and the impact of any proposed extensions would need to be assessed on their own merits. Therefore, a condition restricting permitted development rights in classes A, B, C, and E is recommended to allow for the impact of any such extensions to be assessed on their own merits.

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 forecourts of the site are recommended.

It is noted that the submitted drawing for the refuse stores shows adequate space for three 240 litre bins for each property, in line with the requirements of the Code of Practice for the storage and collection of refuse and materials for recycling in domestic properties.

It is noted that the site is 80 - 90m from the entry point of the access road in Kings Road. With regard to the collection of waste, it is recommended best practice on safety grounds that refuse collection vehicles should enter and leave in a forward gear in order to avoid reversing manoeuvres. This is particularly relevant given there is no 'turning head' provided for the service road. Although it is noted that there is an existing imperfect situation with regard to servicing the existing shopping parade fronting Eastcote Lane, the Council's saved policy T6 of the UDP and emerging policy DM44 of the Development Management Policies DPD require that adequate servicing arrangements be put in place for new developments. Therefore, a condition to ensure that bins are moved to within a distance of 10 m from the access road entry point at Kings Road on collection days is recommended. This would be in accord with the relevant development plan policies, the Council's refuse code of practice and best practice recommendations within the government's Manual for Streets document and would discourage refuse vehicles from reversing into the service road.

## **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 on Salter Close, Stradbroke Close and Kings Road Bungalows.

The nearest residential façades in Salter Close and Kings Road Bungalows would be 16 meters and 14 metres from the proposed dwellinghouses respectively. These neighbouring properties would face the flank walls of the proposed development and would not be overlooked by the dwellinghouses. The separation distances are considered sufficient that the proposed development would not have an overbearing appearance from those neighbouring properties and would not result in loss of light.

With regard to the properties that could be overlooked by the proposed development, the nearest residential facades in Eastcote Lane are 23m from the proposed dwellinghouses. This separation distance is more than the generally accepted benchmark 22m distance and is considered sufficient that any overlooking between the two properties would not be so significant as to justify refusal of the proposal.

With regard to the rear of properties in Stradbroke Close, the separation distance between the residential facades is 20m, which is marginally less than the 22m noted above. However, the boundary between the application site and the rear gardens of the properties in Stradbroke Close is an extant 3m high brick wall which is proposed to be retained. This wall would mitigate the potential impacts of overlooking, and given the site circumstances, it is considered that the separation is considered adequate to safeguard the visual amenities of neighbouring occupiers.

The proposed parking area would be close to the rear gardens of Nos. 350 and 352 Eastcote Lane. However, given the previous use of the site for car parking, 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 dwellinghouses, each house would be provided and would be of a size comparable to other properties in the area.

In addition, each of the houses would have a floor area of 83 square metres, which complies with the requirements of policy 3.5 of The London Plan.

## **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 houses. 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, as amplified by Supplementary Planning Document: Accessible Homes (2010), require that all new dwellings should comply with the Lifetime Homes criteria.

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

### **Traffic and Parking**

The proposal makes provision for 2 parking spaces and two secure cycle stores.

This level of provision is in accordance with the criteria of policies 6.9 and 6.13 of The London Plan.

No details of the design of the cycle stores have been supplied, and therefore a suitable condition requiring these details to be submitted and approved is recommended.

Representations have been received noting that the proposal would increase traffic in the area and at the junction of the access road and Kings Road. The level of traffic activity associated with a development of this type is less than the previous uses and would amount to no more than 2 vehicles entering and leaving the site 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.

The application includes improvements to the access road through the provision of low level lighting. This would improve the environment for existing residential occupiers of upper flats on properties fronting Eastcote Lane and would improve security in the area. The submitted drawings do not indicate the locations and types of lighting to be installed, and therefore a suitable condition requiring details of these to be submitted and approved is recommended.

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.

### **Sustainability Considerations**

The applicants have stated in their design and access statement that the proposal would comply with Level 3 of the Code for Sustainable Homes, as recommended by policies 5.2 and 5.3 of The London Plan.

Details of how compliance with this standard have not been included, and therefore a suitable condition requiring details of sustainability measures to be submitted and approved is recommended.

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.

## **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.

## **S17 Crime & Disorder Act**

At the pre-application stage, the Crime Design Prevention Officer noted that the service road would not benefit from significant levels of natural surveillance and that the unlit road could present opportunities for crime, or a fear of crime, both during the day and during the night.

However, the applicant has demonstrated that the service road is the only means of access for current occupiers of flats above the commercial premises in Eastcote Lane.

These flats also provide an element of natural surveillance of the access road that would be improved by the provision of lighting.

Given these circumstances, it is considered that the use of the service road for pedestrian access would not increase the potential risk of crime and disorder in the area.

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

## **Consultation Responses**

- Loss of privacy as proposed development would look directly into neighbouring properties. Development will be facing my house approximately 45 feet (13m) away and people will be able to see directly into the rear of my property and invade my privacy – *this has been addressed in the Character and Appearance of the Area and Residential Amenity sections of the appraisal.*
- Overdevelopment of the land to the detriment of neighbouring residents – *this has been addressed in the Character and Appearance of the Area and Residential Amenity sections of the appraisal.*
- Loss of light to nearby properties which would compound other development nearby –

*this has been addressed in the Residential Amenity section of the appraisal.*

- Noise and disturbance from traffic to the rear of my property – *this has been addressed in the Traffic and Parking section of the appraisal.*
- That the development of two houses on this remote and isolated plot of land would result in an over intensive use, and amount to overdevelopment, of the site to the detriment of neighbouring residents – *this has been addressed in the Character and Appearance of the Area and Residential Amenity sections of the appraisal.*
- Loss of light to nearby properties: predominantly bungalows – *this has been addressed in the Residential Amenity section of the appraisal.*
- Loss of privacy as the new development would directly overlook and into neighbouring properties – *this has been addressed in the Residential Amenity section of the appraisal.*
- Traffic generation, potential noise and disturbance to adjoining properties from traffic accessing the site along a shop service road, which is regularly used by delivery vehicles, to access the businesses – *this has been addressed in the Traffic and Parking section of the appraisal.*
- Added disturbance from traffic accessing an alleyway at a busy road junction – *this has been addressed in the Traffic and Parking section of the appraisal.*
- Impact on the proposal on the amenity and character of the area – *this has been addressed in the Character and Appearance of the Area and Residential Amenity sections of the appraisal.*
- The consultation did not include all those affected by the development – *all adjoining occupiers were notified of the proposal. In addition, the proposal was publicised by way of a site notice and newspaper advertisement.*

## **CONCLUSION**

The proposal would provide an additional two 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 4, 6, 8 and 12 the development hereby permitted shall be carried out in accordance with the following approved plans:

3110-PL-1.01 Rev B; 3110-PL-1.02 Rev B; 3110-PL-2.01 Rev C; 3110-PL-2.02 Rev B;  
Design and Access Statement

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 The development hereby permitted shall not commence beyond damp proof course until details of the secure cycle stores have been submitted to, and approved in writing by, the local planning authority.

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

REASON: To safeguard the appearance of the locality and ensure adequate secure cycle storage, as required by saved policy D4 of the Harrow Unitary Development Plan (2004) and policy 6.9 of The London Plan (2011).

5 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).

6 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.

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).

7 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).

8 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 development 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 that refuse bins are located within 10m of the junction of the service road and Kings Road on collection days, as required by saved policy D4 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 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).

12 The development hereby permitted shall not commence until details of the lighting for the service road have been submitted to, and approved in writing by, the local planning authority.

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

REASON: To safeguard the appearance of the locality and ensure adequate lighting and security for the access road is provided, as required by saved policy D4 of the Harrow Unitary Development Plan (2004) and policy 7.3 of The London Plan (2011).

13 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.

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

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

## **INFORMATIVES**

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

The decision to grant planning permission has been taken as the proposal would provide an additional two 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 the National Planning Policy Framework, 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
- 5.2 – Minimising carbon dioxide emissions
- 5.3B – Sustainable design and construction
- 5.10 – Urban greening
- 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, I, J, K, S, R)

## Core Policy CS4

Harrow Unitary Development Plan (2004)  
EP12 – Control of Surface Water Run-off  
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 (2013)  
DM1 – Achieving a High Standard of Design and Layout  
DM2 – Achieving Lifetime Neighbourhoods  
DM10 – On Site Water Management on Surface Water Attenuation  
DM12 – Sustainable Design and Layout  
DM23 – Streetside Greenness and Forecourt Greenery  
DM24 – Housing Mix  
DM27 – Amenity Space  
DM42 – 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 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 £5,880 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 £5,845 for the application, based on the levy rate for Harrow of £35/sqm and the stated new floorspace of 167sqm.

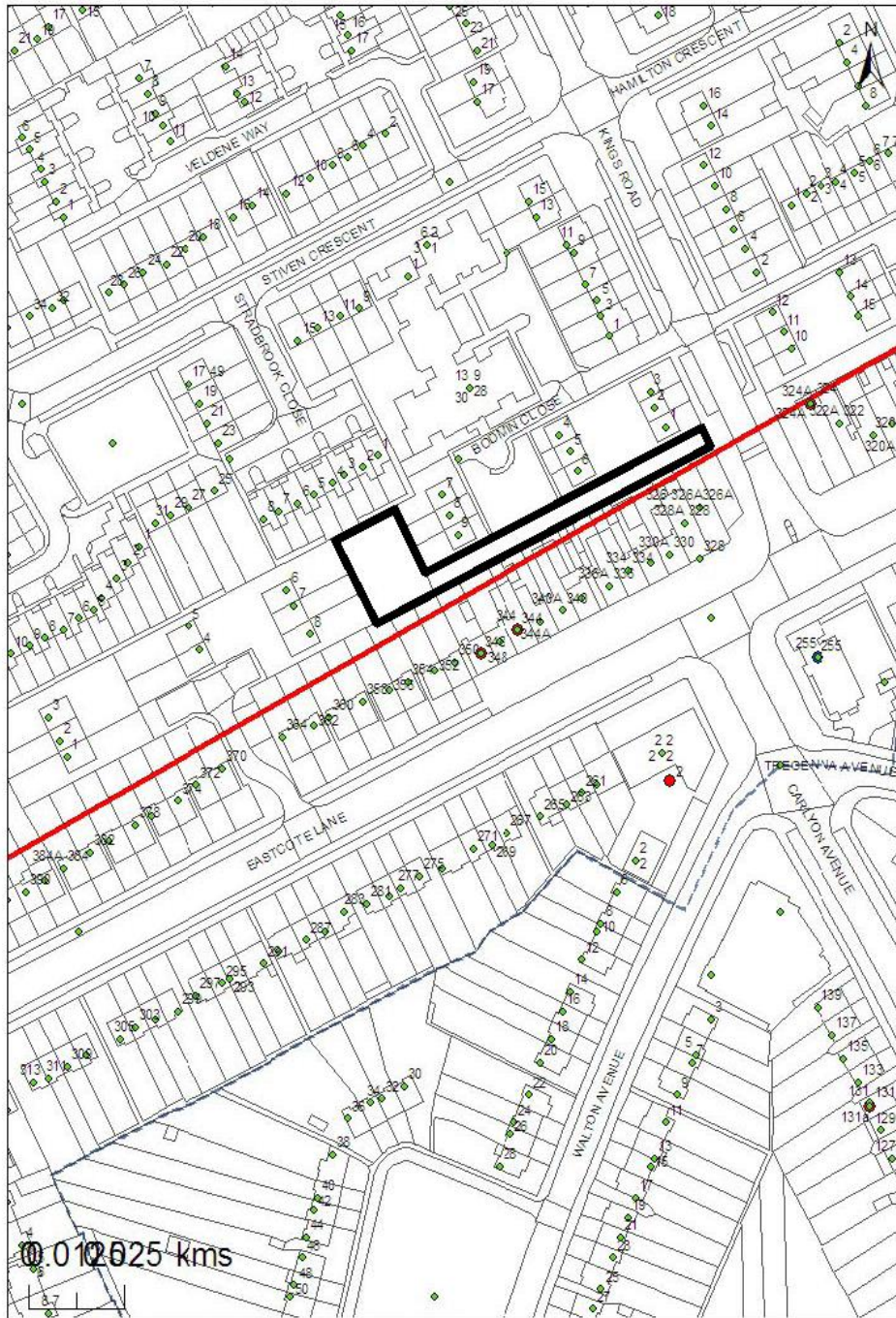
You are advised to visit the [planningportal](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) website where you can download the appropriate document templates.

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

Plan Nos: 3110-PL-1.01 Rev B; 3110-PL-1.02 Rev C; 3110-PL-2.01 Rev C; 3110-PL-2.02 Rev B; Design and Access Statement



# LAND REAR OF 350-352 EASTCOTE LANE, HARROW



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Item No. 2/02  
Address: 17 SITES AROUND STANMORE, BELMONT AND CANONS PARK  
Reference: P/0266/13  
Description: CONSTRUCTION OF POLE AND WIRE GATEWAYS AND STEEL POSTS TO FORM AN ERUV FOR BELMONT  
Ward: CANONS, BELMONT AND STANMORE PARK  
Applicant: UNITED SYNAGOGUE  
Agent: ROSENFELDER ASSOCIATES  
Case Officer: NICHOLAS RAY  
Expiry Date: 09-MAR-13

## **RECOMMENDATION**

**GRANT** permission for the development described in the application, subject to conditions.

## **REASON**

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the policies in the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan 2004 (listed in the informatives), as well as to all relevant material considerations including any responses to consultation. The proposal would facilitate the creation of an Eruv in the Belmont area, as an extension to the previously approved Stanmore and Canons Park Eruv, which would have an identified benefit to members of the local Jewish community and would have no unduly detrimental impacts on the character and appearance of the area, the amenities of residents or highway safety.

## **INFORMATION**

This application is reported to Planning Committee as in the opinion of the Divisional Director of Planning it is likely to be of significant public interest and therefore falls outside of proviso E of the Scheme of Delegation.

## **Summary**

Statutory Return Type: (E)18. Minor Development

Council Interest: Highways land

## **Site Description**

The application comprises 17 separate sites across the Borough, as set out below:

- **Site 1** – Footway/highway on Woodlands Drive  
Residential area close to Uxbridge Road, adjacent to two storey dwellings and a three storey block of flats.
- **Site 2** – Footway/highway on Gordon Avenue

Adjacent to junction with Drummond Drive, area predominantly residential, although car repair garage located on the corner with Kenton Lane.

- **Site 3** – Footway/highway at Drummond Drive/The Highway junction

Residential in character, comprising two storey inter-war dwellings.

- **Site 4** – Footway/highway on Mountside

Close to junction with Kenton Lane, mixed in character, with The Duck in the Pond public house adjacent to the north and Vernon Lodge to the south, which is a hostel.

- **Site 5** – Footway/highway at junction of Curzon Avenue and Kenton Lane

Residential in character, adjacent to two pairs of semi-detached dwellings that face the centre of the road junction.

- **Site 6** – Footway/highway on Mountbel Road

Close to junction with Curzon Avenue, residential in character, comprising semi-detached dwellings.

- **Site 7** – Footway/highway on Kenton Lane

Borough Distributor Road, close to junction with Dobbin Close, mixed in character, residential to the north and St Josephs school to the south.

- **Site 7a** – Underpass below Kenton Lane

Along Belmont Trail footpath, adjacent to commercial properties on Station Parade.

- **Site 8** – Footway/highway at junction of Kenmore Avenue and Pembroke Avenue

Residential in character, comprising semi-detached dwellings.

- **Site 9** – Footway/highway at junction of Pembroke Avenue and Kingshill Drive

Residential in character, comprising semi-detached dwellings.

- **Site 10** – Footway/highway on Hartford Avenue

Adjacent to service road serving shopping parade on Kenton Lane, mixed in character, with residential properties to the south and west and the shopping parade to the north-east.

- **Site 11** – Footway/highway at junction of Hartford Avenue/Ennerdale Avenue and Kenton Lane

Borough Distributor Road, mixed in character, with residential properties to the north, east and south and the shopping parade to the north.

- **Site 12** – Footway/highway at junction of Hilliary Gardens/Queens Avenue and Uppingham Avenue

Residential in character, comprising semi-detached and detached dwellings.

- **Site 13** – Footway/highway at junction of Hiliary Gardens and Culver Grove

Borough Distributor Road, mostly residential in character, although abutting Centenary Park to the east.

- **Site 14** – Footway/highway on Honeypot Lane

Adjacent to junction with Fairways. London Distributor Road, dual carriageway with two storey residential properties either side.

- **Site 15** – Footway/highway on Wigton Gardens

Close to junction with Dalston Gardens, mixed in character with residential properties immediately adjacent and industrial properties to the south west.

- **Site 16** – Bridge abutment at Canons Park Station/Whitchurch Lane

Borough Distributor Road, mixed in character, site situated under railway bridge.

## Proposal Details

The formation of an Eruv around the Belmont area of the Borough, connecting up with the previously approved Eruv for Stanmore and Canons Park. Much of the Eruv would be made up of existing means of enclosure, but the proposal involves the following development:

- Construction of 2 x 25mm diameter 1 metre high posts fixed to opposite abutments at

the underpass and railway bridge sites 7a and 16.

- Construction of 2 x 73mm diameter 5.5 metre high poles with connecting thin wire 'gateways' over the remaining sites.

### **Relevant History**

P/0405/09

Construction of pole and wire gateways and sections of gates/fencing to form an Eruv for Stanmore and Canons Park.

Granted : 30/06/2009

P/1689/10

Construction of pole and wire gateways and sections of gates/fencing to form an Eruv for Stanmore and Canons Park (revised to include sites comprising Hilltop Way/Fallowfield/Aylmer Close/Little Common, and Abercorn Road/Belmont Lane/ Oak Tree Close/Acorn Close/ Golf Close/Courtens Mews/Wolverton Road).

Granted : 30/11/2010

P/1298/11

Variation of conditions 2, 6 & 8 attached to planning permission P/1689/10 dated 30/11/2010 for:

'Construction of pole and wire gateways and sections of gates/fencing to form an Eruv for Stanmore and Canons Park (revised to include sites comprising Hilltop Way/Fallowfield/Aylmer Close/Little Common, and Abercorn Road/Belmont Lane/ Oak Tree Close/Acorn Close/ Golf Close/Courtens Mews/Wolverton Road).

to amend to the location / size / height / materials of the pole and wire gateways at the following 4 sites:

Site 26 - pedestrian access to Golf Club car park from Wolverton Road

Site 32 - Canons Park Station western side

Site 34 - Whitchurch Gardens

Site 36 - Montgomery Road / Whitchurch Lane

Granted : 06/10/2011

### **Pre-Application Discussion (ref HA\2012\ENQ\00248)**

- The principle of the development would be acceptable, given the previous approvals.
- None of the installations would be located close to heritage assets.
- Provided that a 6 metre clearance is provided at all sites, the gateways would not impede the flow of traffic.

### **Applicant Statement**

- One of the fundamentals of Judaism is the observance of the Sabbath from sunset on Friday until nightfall on Saturday. Among the basic rules defining this observance is a prohibition of the use of any form of transport and, in addition, the carrying or moving of any object from a private domain other than within an enclosed area.
- The qualifying definition of an enclosure includes, in addition to walls or fences at least 1 metre in height, a structure technically known as a 'gateway', which to qualify needs to comprise no more than a thin wire spanning between the tops of two poles.
- The formation of an 'enclosure' of an area encompassing a large number of properties is of great benefit to Sabbath observant people, importantly non-ambulant persons like wheelchair users and babies in pushchairs.
- In recent years, an Eruv has been approved in NW London, Edgware, Stanmore and Borehamwood, whilst others are being considered.

- The large majority of the 'enclosure' required utilises existing walls and fences as illustrated on the General Arrangement Plan.
- There unavoidably remain a number of locations where no existing enclosure exists, principally across roads and for which pairs of poles and a nylon fluorocarbon monofilament are proposed.
- There are also two bridge locations where a pair of token posts are required to be fixed to opposite abutments to comply with Eruv law.
- The poles would have the narrowest possible diameter and are generally painted light grey to conform to other street furniture. The wire spanning between the poles is less than 0.5mm fishing line, which is visually imperceptible.
- The height of the poles would be 5.5 metres (6 metres across Kenton Lane and Honeypot Lane) being your preferred height to achieve clearance even for exceptionally overheight vehicles.
- The siting has been carefully considered to minimise visual impact and avoid trees.

### **Consultations:**

Highways Authority: No objections, a license would be required under the Highways Act post planning permission.

### **Notifications:**

Sent: 83

Replies: 128

Expiry: 09-APR-13

### **Addresses Consulted:**

- Site 1: 9 & 10 Woodlands Drive, 65 Uxbridge Road and Sinclair House (all flats).
- Site 2: Grimsdyke Service Station, 99 & 146 Gordon Avenue.
- Site 3: 11 & 16 The Highway.
- Site 4: Duck in the Pond PH, Vernon Lodge and 1 Mountside.
- Site 5: 1 & 2 Curzon Avenue and 592 & 594 Kenton Lane.
- Site 6: 49-52 Mountbel Road.
- Site 7: 528 & 530 Kenton Lane and St Josephs Catholic Primary School.
- Site 7a: Angies Freehouse and 14a Station Parade.
- Site 8: 122, 124, 153 & 155 Kenmore Avenue.
- Site 9: 83, 85 & 88 Kingshill Drive.
- Site 10: 2 Hartford Avenue.
- Site 11: 212 & 215 Kenton Lane.
- Site 12: 5 & 98 Uppingham Avenue.
- Site 13: 1 Hiliary Gardens and 89 Culver Grove.
- Site 14: 468, 470 & 605 Honeypot Lane.
- Site 15: 1 Dalston Gardens and 39 & 41 Wigton Gardens.
- Site 16: Canons Park Station.

### **Summary of Response:**

1 objection received from resident of 2 Curzon Avenue, concerned that the poles would spoil the view from their property and would impede visibility of traffic. 128 responses received in support from local residents and from Bob Blackman MP.

## **APPRAISAL**

### **Principle of Development**

The principle of the development is considered acceptable, as a similar scheme was approved in 2009 (and amended in 2010) to provide an Eruv for Stanmore and Canons Park. Similar facilities exist in other areas of London and are established elements of the streetscene. Core Policy CS1Z supports the provision or expansion of community infrastructure. Detailed consideration of the visual and other impacts of the installations is undertaken in the below appraisal sections.

### **Ethnic and Community Development**

The proposed creation of the Eruv involves the formation of a 'complete' boundary around a town or district that will allow the Jewish orthodox community to carry on the Jewish Sabbath by denoting the area of the Eruv as a single unified domain for the purposes of Jewish rabbinic observance. The day of the Jewish Sabbath is Friday evening until Saturday evening.

Amongst the restrictions accepted by the orthodox Jewish community are prohibitions on carrying objects from public spaces to private spaces and vice versa. The practical implications on these restrictions means that the mobility impaired (elderly, disabled and very young children) that rely on assisted mobility are not able to leave their homes (private space) without transgressing some of the restrictions of the Sabbath. This means that these people are house bound during the Sabbath and are unable to participate in social occasions, attend Synagogue or visit friends and family for one day of the week.

The proposed Eruv would extend the existing Stanmore and Canons Park Eruv, to enclose the Belmont area. The vast majority of the boundary comprises existing garden and boundary fencing and the only gaps are where the Eruv route crosses public streets and footpaths. The proposals involve physical development to complete the gaps in the Eruv boundary, comprising the construction of two 5.5 metre or 6 metre high poles either side of the road with a thin connecting wire between, or the installation of two 1 metre high posts at adjacent bridge abutments.

Saved UDP policy C11 states that '*the Council will endeavour to address the diverse planning requirements of ethnic communities in the borough*'. Furthermore, saved UDP policy C10 states that:

*'The Council will seek to maintain and retain existing premises used by community or religious groups in the borough. In considering proposals for new facilities, the Council will ensure that the proposed development:*

- A) Is located in the catchment population it serves;*
- B) Is accessible and well served by a range of transport options including public transport;*
- C) Has no significant adverse impact on neighbouring properties and does not detract from the visual amenity of the area; AND*
- D) Provides appropriate levels of car parking and would not have an adverse effect on highway safety.*

The application does provide a new religious facility, albeit and unconventional one. The Eruv would enable members of the Jewish community living within its boundary to go about their normal business on days of the Sabbath, without being restricted to their homes. The benefits for the disabled, elderly and young children are particularly evident.

The physical development required to construct the Eruv is considered to be minimal and

the proposed development is considered to comply with criteria A-D of policy C10 as set out above. With regards to criteria A, the Belmont area contains a large Jewish community, with Belmont Synagogue having a membership of approximately 1100. This is also evidenced by the 128 support comments received, many from residents within the proposed Eruv boundary. The area is accessible by all means of transport in accordance with criteria B. It is considered that the proposal would not adversely affect neighbouring properties or visual amenity (discussed in more detail in appraisal sections 2 and 3) in accordance with criteria C and with regards to criteria D the proposed structures would not adversely affect highway safety (discussed in more detail in appraisal section 5).

The principle of the development has been accepted by the grant of planning permission for the Stanmore and Canons Park Eruv. It is considered that the proposed development would be of benefit to the local Jewish community and would have no unduly detrimental impacts upon the needs of different ethnic groups locally or elsewhere. In principle therefore, the proposed development is considered to be consistent with saved UDP policies C10 and C11.

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

None of the 17 sites are located in or adjacent to sensitive areas such as the Green Belt, Conservation Areas, Listed Buildings or Historic Parks. The proposals for each of the sites represent the least harmful impact on the street scene in terms of the locations of the poles/posts and the span of the wire gateways.

It is acknowledged that the proposed poles and posts would, to an extent, have an impact on the character and appearance of the street scene and would increase clutter. However, other examples of Eruvs in London have shown that these features are quickly assimilated into the street scene as any other piece of street furniture would be. Individual site visits have confirmed that the installations would be sited to minimise clutter with other objects and the poles would be as slender as possible. The size of the Eruv poles would be modest compared to the majority of existing street furniture and would be set back from the public highway so as to be as discreet and unobtrusive as possible. The wires would not be overly visible.

It is noted that when undertaking the installation of the Eruv poles (subject to separate Highways Licence), it is possible that the precise locations shown on the submitted drawings may be unsuitable due to the uncertainty about the location of underground utilities and services, which are only likely to become clear when works are underway at each site. It is therefore considered that a small tolerance of 500mm would be appropriate, to enable the poles to be re-sited close to their approved locations as necessary.

Overall the individual sites that make up the proposed Eruv are considered to represent minor development that would not result in adverse impact on their surroundings and would have a significant community benefit. The proposed development is therefore considered to comply with saved policies D4 and C10 of the UDP, London Plan policy 7.4B and Core Policy CS1B of the Harrow Core Strategy (2012).

A condition is recommended to ensure that the installations are painted light grey, to ensure an acceptable appearance. In instances where excavation takes place within the crown spread of a tree, hand tools should be used and the Council's Tree Officer notified before any roots are severed. A condition is recommended accordingly. It is also

considered necessary to impose a condition to ensure the installations are maintained in a clean and tidy condition.

### **Residential Amenity**

Concerns have been raised by an objector that the proposed poles would spoil the view from their property. However, it is noted that in this context the protection of a private view is not a material planning consideration. The poles have been sited to minimise the impact on the outlook of residential occupiers, being sited between the boundaries of two properties where they are to the front. Given the size, nature and location of the poles it is considered that there would be no discernable impact on residential amenity, particularly when compared to existing lamp posts, street lights etc. The plans confirm that the poles would be sited at least 150mm from any private property boundary. On balance it is considered that any impact on residential amenity from the Eruv structures would be minimal.

### **Highway Safety**

The gateways over the two major thoroughfares Kenton Lane and Honeypot Lane would be 6 metres high, whilst the others would be 5.5 metres in height. These differentials are considered acceptable, given the types of traffic using these types of roads. It is noted that the plans submitted only show an elevation of 5.5 metres in height, so it is considered necessary to impose a condition to ensure that 6 metre installations are used on the busier roads, for the avoidance of doubt.

Concerns have been raised by the objector that the poles would impede visibility for traffic. However, they would be no wider than 76mm in diameter and would be placed at the back of the footway. It is therefore considered that the impact on highway visibility would be minimal and would indeed be less than a typical streetlight installation, which is commonplace on all streets.

It is therefore considered that the proposed poles and wire gateways would not impede the free flow of highway traffic or pedestrian movement. Where development works are located on the public highway the applicant will need to obtain a license under the Highways Act 1980 (s178) from the highways authority (Harrow) post planning permission.

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

It is considered that this application would not have any detrimental impact upon community safety and is therefore acceptable in this regard.

### **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 and the impact of the proposal on ethnic groups is discussed in the appraisal section 2. 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



## **Consultation Responses**

Apart from the points raised in the above sections, other issues raised are:  
None.

## **CONCLUSION**

In summary, the proposal would facilitate the creation of an Eruv for the Belmont area, which would have an identified benefit to members of the local Jewish community and have no unduly detrimental impacts upon the wider community or the character and appearance of the area.

## **CONDITIONS**

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: B.841.01; B.841.02A; 841.L.1.A; 841.L.2.A; 841.L.3.A; 841.L.4.A; 841.L.5.A; 841.L.6.A; 841.L.7.A; 841.L.7a.A; 841.L.8.A; 841.L.9.A; 841.L.10.A; 841.L.11.A; 841.L.12.A; 841.L.13.A; 841.L.14.A; 841.L.15.A; 841.L.16.A; 841.L.1.B; 841.L.2.B; 841.L.3.B; 841.L.4.B; 841.L.5.B; 841.L.6.B; 841.L.7.B; 841.L.7a.B; 841.L.8.B; 841.L.9.B; 841.L.10.B; 841.L.11.B; 841.L.12.B; 841.L.13.B; 841.L.14.B; 841.L.15.B; 841.L.16.B; 841.L.7a.C; 841.L.16C; Design and Access Statement.

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

3 The poles and posts hereby permitted shall be of a light grey appearance.

REASON: To safeguard the appearance of the locality, in line with the requirements of saved UDP policy D4.

4 Notwithstanding the details on the approved plans, the height of the poles and gateways spanning the sites on Honeypot Lane and Kenton Lane shall be 6 metres.

REASON: In view of the type of traffic that might use those roads and in the interests of highway safety, in line with the requirements of saved UDP policy T6.

5 Within the crown spread of trees (greater than 75cm in diameter at 1.5m off the ground) pole foundation excavations must be dug by hand and no tree roots over 25mm diameter shall be severed as a result of the development works without the prior written agreement of the Council's Tree Officer.

REASON: In the interests of tree protection and the character and appearance of the area, in line with saved UDP policies D4 and D10.

6 Any poles, posts or wires erected and any site used for the erection of the installations shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

REASON: To protect the character and appearance of the streetscene at each site, in accordance with saved UDP policy D4.

## **INFORMATIVES**

1 REASON FOR GRANT OF PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the policies in the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan 2004 (listed in the informatives), as well as to all relevant material considerations including any responses to consultation. The proposal would facilitate the creation of an Eruv in the Belmont area, as an extension to the previously approved Stanmore and Canons Park Eruv, which would have an identified benefit to members of the local Jewish community and would have no unduly detrimental impacts on the character and appearance of the area, the amenities of residents or highway safety. The following policies are relevant to this decision:

- National Planning Policy Framework (2012)
- The London Plan (2011): 7.4, 7.6
- The Harrow Core Strategy (2012): Core Policies CS 1, CS 7 and CS10
- Draft Development Management Policies DPD (2012): DM1 and DM57
- Harrow Unitary Development Plan (2004): D4, D10, D29, C2, C10, C11 and T6

## 2 DUTY TO BE POSITIVE AND PROACTIVE

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

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

## 3 INFORMATIVE:

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

## 4 INFORMATIVE:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 5 INFORMATIVE:

The applicant is advised that no part of the development hereby permitted shall be begun on highway land until written permission is obtained from the relevant Highways Authority.

Plan Nos: B.841.01; B.841.02A; 841.L.1.A; 841.L.2.A; 841.L.3.A; 841.L.4.A; 841.L.5.A; 841.L.6.A; 841.L.7.A; 841.L.7a.A; 841.L.8.A; 841.L.9.A; 841.L.10.A; 841.L.11.A; 841.L.12.A; 841.L.13.A; 841.L.14.A; 841.L.15.A; 841.L.16.A; 841.L.1.B; 841.L.2.B; 841.L.3.B; 841.L.4.B; 841.L.5.B; 841.L.6.B; 841.L.7.B; 841.L.7a.B; 841.L.8.B; 841.L.9.B; 841.L.10.B; 841.L.11.B; 841.L.12.B; 841.L.13.B; 841.L.14.B; 841.L.15.B; 841.L.16.B; 841.L.7a.C; 841.L.16C; Design and Access Statement.

Item No. 2/03  
Address: 50 LANGLAND CRESCENT, STANMORE  
Reference: P/0422/13  
Description: SINGLE STOREY REAR EXTENSION  
Ward: QUEENSBURY  
Applicant: MR M CHAUHAN  
Agent: MR A PARMAR  
Case Officer: NICHOLAS RAY  
Expiry Date: 10-APR-13

**GRANT** permission for the development described in the application, subject to conditions.

### **REASON**

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the policies in the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan 2004 (listed in the informatives), as well as to all relevant material considerations including any responses to consultation. The proposed extension is considered to be consistent with the character and appearance of the area and would not adversely affect the amenities of neighbouring occupiers.

### **INFORMATION**

This application is reported to Planning Committee as the agent is related to an elected member and therefore falls outside of proviso C(iii) of the Scheme of Delegation.

### **Summary**

Statutory Return Type: (E)21. Householder Development  
Council Interest: None

### **Site Description**

- The application site comprises a two storey semi-detached dwelling on the west side of Langland Crescent.
- The property currently has an attached garage at the side, an original rear projection and a rear conservatory.
- The adjoining property No.52 has a single storey rear extension with a rearward projection of 4.1 metres on the boundary with the application site.
- The adjacent property at No.48 is set down at a lower level than the application site and has not been extended at the rear, but has an original single storey rear projection.

### **Proposal Details**

- It is proposed to demolish the existing rear projection and conservatory and construct a single storey rear extension.
- The proposed extension would have a rearward projection of 4.1 metres, an eaves height of 3.1 metres and a maximum height of 4.1 metres.

### **Relevant History**

- None

### **Pre-Application Discussion**

- None

### **Applicant Statements**

- None

### **Consultations:**

### **Notifications:**

Sent: 4

Replies: 0

Expiry: 18-MAR-13

### **Addresses Consulted:**

- 48 and 52 Langland Crescent;
- 175 and 177 Portland Crescent.

### **Summary of Response:**

None received.

## **APPRAISAL**

### **Principle of Development**

There is no in principle objection to the extension and alteration of a residential property, subject to detailed consideration of the impact on the character and appearance of the area and the amenities of neighbouring residents, as set out in the below sections.

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

The proposed extension would be in keeping with the host building in terms of scale and would not be overly visible from the street. The proposal would therefore have an acceptable impact on the character and appearance of the area and would accord with the objectives of Core Strategy policy CS1B, saved UDP policy D4 and the SPD.

### **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. In relation to new residential development, criteria C of saved policy D5 of the HUDP (2004) seeks to “ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded”. This is emphasised further in the more detail guidance set out in the Council’s Residential Design Guide SPD, which sets out

detailed guidelines in this regard.

Although the extension would exceed the depth of 3 metres normally permitted by the Council's adopted SPD, it would not project beyond the neighbouring extension at No.52 and would therefore comply with paragraph 6.60, which allows for deeper extensions in certain circumstances. The impact on the occupiers of No.48 would also be acceptable, despite the change in site levels, given the intervening distance between the proposed extension and the habitable room windows on that property.

A flank wall window is proposed facing No.48. This would be 2.8 metres from the side boundary so would not be in strict accordance with paragraph 6.22 of the SPD. However, it is proposed to be obscure glazed and would therefore not give rise to overlooking of No.48. A condition is recommended to ensure that the window is obscure glazed and fixed closed below 1.7 metres above finished floor level, in order to protect the amenities of the occupiers of this adjacent property.

In summary, the proposed extension would not result in undue harm to the amenities of adjacent residential occupiers in terms of loss of light and outlook or overlooking. The development would therefore comply with saved UDP policy D5 and the SPD.

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

It is deemed that this application would not have any detrimental impact upon community safety and is therefore acceptable in this regard.

### **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.

### **Consultation Responses**

Apart from the points raised in the above sections, other issues raised are:  
None.

### **CONCLUSION**

In summary, the proposal represents an acceptable form of householder development, would not unduly impact on the character and appearance of the area or neighbouring amenity and is recommended for grant.

### **CONDITIONS**

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: LANG01; LANG02A.

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, in line with the requirements of saved UDP policy D4.

4 The window in the flank wall of the approved development shall:

a) be of purpose-made obscure glass,

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

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

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

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

## **INFORMATIVES**

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

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the policies in the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan 2004 (listed in the informatives), as well as to all relevant material considerations including any responses to consultation. The proposed extension is considered to be consistent with the character and appearance of the area and would not adversely affect the amenities of neighbouring occupiers. The following policies are relevant to this decision:

- National Planning Policy Framework (2012)
- The London Plan (2011): 7.4, 7.6
- The Harrow Core Strategy (2012) - Core Policy CS 1 and Core Policy CS 10
- Harrow Unitary Development Plan (2004) –D4, D5
- Supplementary Planning Document – Residential Design Guide (2010)

### **2 DUTY TO BE POSITIVE AND PROACTIVE**

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

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. 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.

### **3 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising

from building operations, and in particular the limitations on hours of working.

#### 4 INFORMATIVE:

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

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

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

“The Party Wall etc. Act 1996: Explanatory booklet” is available free of charge from:  
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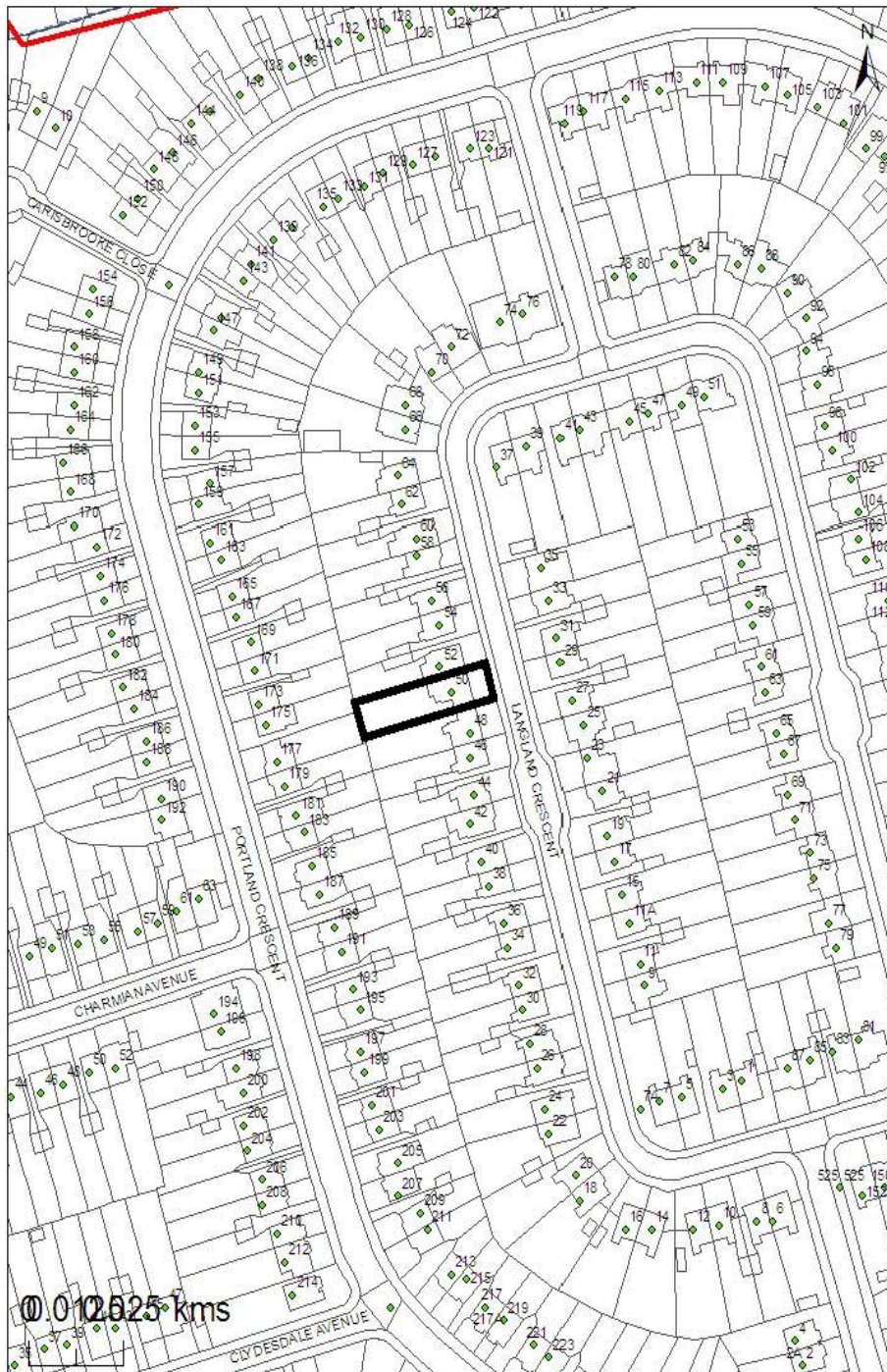
Textphone: 0870 1207 405

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

Plan Nos: LANG01; LANG02A.



# 50 LANGLAND CRESCENT, STANMORE



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Item No. 2/04

Address: BTM PRINT LTD, RODWELL PLACE, WHITCHURCH LANE, EDGWARE

Reference: P/0539/13

Description: DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF TWO STOREY BUILDING COMPRISING FIVE RESIDENTIAL UNITS WITH ASSOCIATED PARKING, REFUSE STORAGE AND AMENITY SPACE

Ward: CANONS

Applicant: BTM PRINT LTD

Agent: HOWARD FAIRBAIRN MHK

Case Officer: NICHOLAS RAY

Expiry Date: 26-APR-13

## **RECOMMENDATION**

**GRANT** permission for the development described in the application, subject to conditions.

## **REASON**

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the policies in the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan 2004 (listed in the informatives), as well as to all relevant material considerations including any responses to consultation. The proposed development is considered to be consistent with the character and appearance of the conservation area and would not adversely affect the amenities of neighbouring occupiers or the special interest of the adjacent listed buildings.

## **INFORMATION**

This application is reported to Planning Committee as it proposes the construction of more than two new dwellings and therefore falls outside Category 1(b) of the Scheme of Delegation.

## **Summary**

Statutory Return Type: (E)13. Minor Dwellings  
Council Interest: None

## Site Description

- The application site comprises part of Rodwell Place, which is land to the rear of the secondary shopping frontages within Edgware District Centre, namely 1-19 Whitchurch Lane (to the south), 1-11 Lanson House (to the east) and 81-103 (odd) High Street (to the north/east).
- These buildings are predominantly two storey in scale, with the exception of Lanson House, which is three storey.
- The site is occupied by a single storey industrial building, currently in class B use as a printing works. Associated hardsurfacing and parking surrounds the building.
- The remainder of Rodwell Place, to the south and east of the site, serves as an access and service road to the rear of commercial properties on Whitchurch Lane and Edgware High Street, with access via an undercroft under Lanson House, leading from Whitchurch Lane.
- The rear parts of these commercial properties incorporate a mixture of uses, including separate commercial uses and residential flats. There are also residential properties above the commercial parades.
- Abutting the western site boundary are the rear gardens of residential dwellings on Mead Road, which back onto the site.
- The site is within Edgware District Centre, partly within Edgware High Street Conservation Area and an Archaeological Priority Area (Edgware Village).
- The site is also within the rear setting of the Grade II listed 85-89 (odd) High Street.

## Proposal Details

- It is proposed to demolish the existing print works building and construct a two storey block of 5 residential units (1x3 bed duplex, 3x1 bed and 1 studio).
- The proposed replacement building would be L-shaped in footprint, with a maximum width of 18 metres and a maximum depth of 21 metres.
- The building would have a first floor eaves height of 4.9 metres and a maximum ridge height of 7.65 metres.
- The remainder of the site would be laid out to provide 3 parking spaces (one disabled), landscaping, refuse storage and external amenity space for the proposed flats.

## Revisions to Previous Proposal

- Building reduced in scale by one storey, footprint and design amended.
- Refuse storage moved to southern part of the site.
- First floor windows overlooking Mead Close omitted.

## Relevant History

P/1464/12

Demolition of existing building and construction of three storey building comprising five flats with associated parking, refuse storage and amenity space

REFUSED : 05-OCT-12

### **Reasons for Refusal:**

1) The proposed building, by reason of excessive scale, massing and inappropriate design, would result in a prominent, visually imposing, dominant and obtrusive form of development in this backland setting, which would be out of proportion and scale with neighbouring buildings, to the detriment of the character and appearance of the area, and it would fail to preserve or enhance the character or appearance of the Edgware High Street Conservation Area, contrary to paragraph 131 of the National Planning Policy Framework (2012), policies 7.4B, 7.6B and 7.8 of The London Plan (2011), core policies CS1B and CS1D of the Harrow Core Strategy (2012), saved policies D4, D14 and D15 of the Harrow Unitary Development Plan (2004), the adopted Supplementary Planning Document - Residential Design Guide (2010) and the Edgware High Street Conservation Area Appraisal and Management Strategy.

2) The proposed replacement building, by reason of its increased scale and bulk and the provision of first and second floor windows in the south west and north west elevations, would be unduly obtrusive and overbearing when viewed from the adjacent residential properties in Mead Road and would result in direct overlooking of these properties, to the detriment of the amenities of these occupiers, contrary to The London Plan (2011) policy 7.6B, saved policy D5 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).

3) The proposed refuse storage area, by reason of its siting more than 25 metres from the likely collection point on Whitchurch Lane, would be unsatisfactory and would not provide a convenient location for refuse collection, contrary to saved policy D4 of the Harrow Unitary Development Plan (2004).

4) The proposed development, by reason of its lack of provision for persons with disabilities and non-compliance with Lifetime Homes standards would provide substandard accommodation to the detriment of the amenities of future occupiers of the site and would fail to create an inclusive environment, contrary to policies 3.8 and 7.2 of The London Plan (2011), core policy CS1K of the Harrow Core Strategy (2012), saved policies C16 and D4 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Accessible Homes (2010).

### **Pre-Application Discussion (ref PAM\ENQ\02106)**

- The principle of a residential development on this site could be considered, subject to justification for loss of business use.
- Concerns raised in relation to three storey form and increased footprint, together with unsatisfactory design and proximity to boundaries.
- Site investigations may be required due to the siting within an Archaeological Priority Area.
- The proposed building would appear bulky and obtrusive when viewed from the rear gardens of the Mead Road properties and windows would overlook these properties.
- Limited private amenity space would be provided and outlook from some flats to the service road would be poor, resulting in noise and disturbance.
- Inadequate refuse storage would be provided.
- Ownership/control of the site and access/parking areas needs to be confirmed.
- Consideration must be given to natural surveillance of the main entrance door and access from Whitchurch Lane.
- Proposal should achieve Code for Sustainable Homes Level 4.

### **Applicant Statements**

- Marketing Report.

- Planning Statement.
- Design and Access Statement.

**Consultations:**

Conservation Officer: No objection, whilst the proposal results in a backland development that should ideally be avoided, there would be no undue impact on key views within or into the Conservation Area.

Conservation Area Advisory Committee: The design and residential use is not suitable. Looks like overdevelopment and would be overlooking.

Highways Authority: No objection.

Drainage Engineer: Conditions suggested relating to surface water drainage and sewage disposal.

**Site Notice:** 14-MAR-13

Expiry: 04-APR-13

**Advertisement (Harrow Obs/Times):** 14-MAR-13

Expiry: 04-APR-13

**Notifications:**

Sent: 48

Replies: 1

Expiry: 02-APR-13

**Addresses Consulted:**

- 1-15 (odd) Lanson House, Whitchurch Lane;
- 79-95 (odd) High Street (including properties above and to rear);
- 57-63 (odd) Mead Road;
- Rodwell Place (all properties);
- 1-5 (conc) Whitchurch Lane (including properties above);

**Summary of Response:**

One comment in support of the application was received, from the occupiers of No.57 Mead Road.

**APPRAISAL**

**Principle of Development and Employment Policy**

The site is currently occupied by a class B use building, which is in use as a print works. Saved UDP policy EM15 resists the loss of land or buildings from employment uses, unless it can be demonstrated that the site is no longer suitable for employment use and sets out criteria for this assessment.

The applicant has submitted a Marketing Report, which confirms that the site has been extensively marketed for B class use without success. Having regard to the constrained nature of the site in terms of access and proximity to residential properties, it is considered unlikely that the site would be suitable for continued employment use. There would be no unacceptable harm to the local economy and sufficient provision of commercial property would remain in the locality and wider area, which would satisfy the limited local demand for industrial premises. This approach is also consistent with the objectives of paragraph 22 of the NPPF, which states that 'planning policies should avoid the long term protection of sites allocated for employment use where there is no

reasonable prospect of a site being used for that purpose’.

A number of residential flats occupy the rear portions of surrounding properties and, given the above, the principle of a residential use on this site is considered to be acceptable, subject to further consideration of the likely impact on local character, amenity and other matters as discussed below.

**Character and Appearance of the Conservation Area and Adjacent Listed Buildings**  
Policy 7.4B states that ‘Buildings, streets and open spaces should provide (amongst other factors) a high quality design response that (a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass’. Policy 7.6B further states that ‘Buildings and structures should, (amongst other factors), (b) be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm’. Following on from this, saved policy D4 of the Harrow UDP (2004) states that “Buildings should be designed to complement their surroundings, and should have a satisfactory relationship with adjoining buildings and spaces”. It further states under paragraph 4.11 that "all new development should have regard to the scale and character of the surrounding environment and should be appropriate in relation to other buildings adjoining and in the street. Building should respect the form, massing, composition, proportion, and materials of the surrounding townscape, and attention should be paid to the urban "grain" of the area in terms of building form and patterns of development". This is emphasised further in the more detailed guidance set out in the Council’s Residential Design Guide SPD.

The site is partly located within Edgware High Street Conservation Area (the southern area of hardsurfacing) and the proposed building would affect the setting of the Conservation Area, as well as the rear setting of listed buildings fronting the High Street.

All development in the Conservation Area apart from those buildings that are recognised by the Conservation Area character appraisal as being negative e.g. Lanson House, are of two storeys. This uniform, low storey nature of the buildings is important as the special character of the Conservation Area relates to it being the remnants of the village of Edgware with the associated uniform low height and small scale of the buildings. The revised proposals have reduced the scale of the building significantly and removed the uncharacteristic mansard roof design, in favour of a more traditional, less imposing design. The scale of the proposed building would be less than two storeys (as the eaves sit below the top of the first floor windows) and would not be materially taller than the existing print works building. These revisions are considered to overcome concerns relating to design and scale.

Sections have also been provided, which demonstrate that the building would not be visible above the terrace Nos.1-12 Whitchurch Lane. The development would be visible in glimpsed views from Whitchurch Lane, but it is considered that it would be viewed as a low scale ‘mews style’ development. This could assist in improving the appearance of this rear service yard. The development would also be visible from public views to the rear in Mead Close and from neighbouring properties. However, this would not be objectionable, as it would be seen in the context of the surrounding town centre developments.

The proposal would introduce a backland residential development in an area which is identified by the Conservation Area Management Strategy as being relatively industrial in character and used principally for storage. However, as discussed above, the development would not be overly visible from public views and would have minimal

impact on the setting of the Conservation Area and adjacent listed buildings. The Council's Conservation Officer does not object to the proposals.

It is considered that amendments made to the scale and design of the proposal following the previous refusal, have overcome the concerns raised by officers. Overall, it is considered that the proposal would preserve the character and appearance of the Edgware High Street Conservation Area and the setting of adjacent listed buildings. As such, it would comply with policies 7.4B, 7.6B and 7.8 of The London Plan (2011), saved policies D4, D11, D14 and D15 of the Harrow Unitary Development Plan (2004), the adopted Supplementary Planning Document – Residential Design Guide (2010) and the CAAMS.

Conditions are recommended requiring details of materials, hard and soft landscaping and boundary treatments to be submitted and approved prior to commencement of works.

### **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. In relation to new residential development, criteria C of saved policy D5 of the HUDP (2004) seeks to “ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded”. This is emphasised further in the more detail guidance set out in the Council's Residential Design Guide SPD, which sets out detailed guidelines in this regard.

#### Impact on neighbouring amenity

It is noted that the proposed development would result in an increase in the scale of building on the site. However, the scale has been significantly reduced following the previous refusal. Although the building footprint projects closer to the adjacent dwellings on Mead Road, the closest part of the building would be single storey in scale. The nearest two storey part of the building to the south of these properties would not be significantly closer than the existing building on the site and the part of the building comprising the 3 bed duplex unit would be set away to the east. On balance, it is considered that the amendments to the scheme overcome concerns raised by officers in relation to an overbearing impact.

The first floor windows on the west and north elevations have been removed as part of this revised proposal. The upper floors would be lit from high level rooflights, which would not result in unacceptable overlooking of the Mead Road properties. The west facing ground floor windows would be set largely below boundary treatments and would therefore be acceptable. These amendments therefore overcome concerns relating to overlooking.

It is also notable that no objections have been received from occupiers of the Mead Road properties, whereas objections were received in relation to the previous scheme. The occupants of No.57 Mead Road have written in support of the proposal. In summary, it is considered that the amendments made to the proposal overcome the impact on neighbouring amenity as set out in the earlier refusal.

It is considered that the proposed replacement building would be sited a sufficient distance from the rear of properties on Edgware High Street and Whitchurch Lane, so as

to ensure that no adverse impacts would occur in terms of overbearing or overlooking.

There are concerns that construction activity could adversely impact on neighbouring businesses in terms of servicing, access and noise transmission. It is acknowledged that the circumstances in Rodwell Place are constrained, however it is considered that this should not preclude the principle of development in this location. A condition is recommended requiring a Construction Management Plan to be submitted and approved prior to commencement of development, to minimise any potential impact in this regard.

In summary, the proposed development would have an acceptable impact on the amenities of the occupiers of neighbouring residential properties, consistent with the requirements of saved UDP policy D5 and the SPD.

#### Amenities of future occupiers

At pre-application stage, concerns were raised in relation to the outlook from the proposed flats towards the service area in Rodwell Place. The proposals put forward configure the building in such a way that the main habitable room windows to the proposed flats would face away from the service road where possible and it is therefore considered that the outlook would be acceptable and there would be no undue concerns in relation to noise transmission.

It is proposed to provide external amenity space in the form of a communal garden, which is considered appropriate in principle. It is considered that the amount of amenity space would be acceptable to serve the occupiers of the 5 flats, having regard to the town centre fringe location of the development and the character of the area.

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

The proposed development would therefore provide acceptable living accommodation for future occupiers, in line with the requirements of saved UDP policy D5, the Council's adopted SPD and London Plan standards.

#### **Traffic, Parking, Servicing and Drainage**

There are no principle concerns with regard to the provision of 5 residential units replacing the commercial activity. The intensity of use would be unlikely to have a detrimental impact on the servicing of commercial properties on Whitchurch Lane and High Street.

3 parking spaces, inclusive of 1 disabled space, are provided and this conforms to London Plan 2011 maximum parking standards and is therefore considered acceptable in this site context, given the high public transport accessibility level (PTAL). It is considered that the number of parking spaces provided will cater for anticipated demand and hence will reduce the probability of additional vehicles conflicting with servicing operations within the complex and outside of the site in terms of general impact on the highway.

The access which currently serves the commercial element of the site will remain as existing and is considered adequate for the limited intensity of use expected from the residential proposal.

In terms of secure cycle provisions, 1 space per unit (with 2 for the 3 bed) should be



provided in line with London Plan 2011 standards totalling 6 spaces. A condition is recommended requiring details of this provision to be approved.

Refuse collection is expected to occur from Whitchurch Lane itself and the distance to bin provisions should not exceed the recommended 25 metre wheeling distance as prescribed by 'Manual for Streets' and Council best practice guidance parameters. The bin storage area has been re-sited following the previous refusal and would now be some 20 metres away. The revised location would therefore be acceptable and the proposal would therefore comply with saved UDP policy D4 in this regard.

Conditions relating to surface water drainage and sewage disposal are recommended in line with Drainage Engineer's comments.

### **Archaeology**

The majority of the site lies within an Archaeological Priority Area, as defined in the UDP. No comments have been received from English Heritage in this regard, however the site is currently entirely occupied by hardsurfacing and the print works building. It is therefore considered that this matter could be adequately addressed by the imposition of a condition requiring a scheme for archaeological investigation to be submitted and approved prior to commencement of development.

### **Accessible Homes**

Saved Policies D4 and C16 of the Harrow Unitary Development Plan (2004) and policy 3.8 of The London Plan (2011) seek to ensure that all new housing is built to Lifetime Homes standard. Furthermore, The London Plan (2011) policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion. The supporting text at paragraph 4.112 emphasises that a truly inclusive society is one where everyone, regardless of disability, age or gender can participate equally.

Level access can be provided to the main entrance of the building. The internal arrangements of the proposed flats would be spacious and would comply with Lifetime Homes Standards. It is considered that the lack of lift provision would not in isolation be grounds for refusal of this application and the proposal would therefore be acceptable in this regard.

### **Sustainability**

Policy 5.2 of The London Plan (2011) requires all new major development to achieve a Level 4 Code for Sustainable Homes. Following on from this, Harrow Council has an adopted Supplementary Planning Document in relation to Sustainable Building Design (2009). It is considered that Code Level 3 would be an appropriate target for this scheme and a condition is recommended with respect to the achievement of this level, in order to satisfactorily address sustainability matters.

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

Concerns were raised at pre-application stage in relation to secured by design matters. The proposed scheme has been designed to ensure that main entrance doors would be overlooked by habitable room windows and the parking areas would be overlooked. Subject to a condition requiring details of external lighting to be submitted and approved, it is considered that the proposal would not be detrimental to the security of the site or Rodwell Place as a whole.

## **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.

## **Consultation Responses**

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

None.

## **CONCLUSION**

In summary, the revised proposal overcomes the previous reasons for refusal and is considered on balance to be acceptable. The proposal would preserve the character and appearance of the conservation area and the setting of adjacent listed buildings. The proposal would be acceptable in respect of all other main considerations as set out above and is recommended for grant.

## **CONDITIONS**

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 6179-01 Rev B; 02 Rev B; 03 Rev A; 04 Rev A; 05; 06 Rev B; 07; PL01 Rev A.

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

3 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces of the building have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality, in accordance with saved UDP policy D4.

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

species, plant sizes and proposed numbers / densities.

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

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

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

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

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

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding, in accordance with saved policy EP12 of the HUDP and guidance set out in the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework 2012.

7 No development shall take place until details 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 shall be completed before the buildings are occupied. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the amenity of neighbouring residents, the character of the locality and in the interests of the security of the development, in line with the requirements of saved UDP policies D4 and D5.

8 No development shall take place until details of a scheme for the external lighting of the development hereby approved has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved as part of the development and shall thereafter be retained.

REASON: In the interests of the security of the development and surrounding properties, in line with the requirements of saved UDP policy D4.

9 Development shall not commence until a Construction Method Statement in relation to all construction works 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:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding;
- e) measures to control noise and the emission of dust and dirt during construction;
- f) a scheme for recycling / disposing of waste resulting from construction works;

g) details of underground works (including those to be carried out by statutory undertakers).

REASON: To ensure that the obstruction of the local highway network by construction vehicles is minimized and to protect the amenities of nearby residents and businesses from on-site works and in accordance with saved policies EP25 and T6 of Harrow's UDP.

10 The flats hereby approved shall not be occupied until details of secure cycle storage provision has been submitted to, and approved in writing by, the local planning authority. The cycle storage shall be installed before the flats are occupied. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: In order to provide appropriate levels of cycle parking to accord with London Plan standards and policy 6.9 of The London Plan (2011).

11 The residential units shall be constructed to meet at least Level 3 of Code for Sustainable Homes. To this end the applicant is required to provide a design stage interim certificate of compliance demonstrating compliance with code level 3 prior to occupation of any of the dwellinghouses.

REASON: To ensure that the development meets the highest standards of sustainable design and construction in accordance with London Plan (2011) policy 5.3.

12 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 these details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided in accordance with saved policy EP12 of the HUDP and guidance set out in the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework 2012.

13 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these 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 guidance set out in the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework 2012.

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

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk in accordance with guidance set out in the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework 2012.

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

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 saved UDP policies D4, D5 and T13.

16 No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing. No development or demolition shall take place other than in accordance with the Written Scheme of Investigation. Provision shall be made for analysis, publication and dissemination of the results and archive deposition.

REASON: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and in the NPPF.

## **INFORMATIVES**

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

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the policies in the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan 2004 (listed in the informatives), as well as to all relevant material considerations including any responses to consultation. The proposed development is considered to be consistent with the character and appearance of the conservation area and would not adversely affect the amenities of neighbouring occupiers or the special interest of the adjacent listed buildings. The following policies are relevant to this decision:

- National Planning Policy Framework (2012)
- The London Plan (2011): 3.1, 3.3, 3.4, 3.5, 3.8, 5.2, 5.3, 5.12, 5.13, 6.9, 6.13, 7.2, 7.4, 7.6, 7.8
- The Harrow Core Strategy (2012) - Core Policy CS 1 and Core Policy CS 8
- Harrow Unitary Development Plan (2004) – EP12, C16, D4, D5, D9, D11, D14, D15, T6, T13
- Supplementary Planning Document – Residential Design Guide (2010)
- Supplementary Planning Document - Accessible Homes (2010)
- Supplementary Planning Document – Sustainable Building Design (2009)
- Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)
- Edgware High Street Conservation Area Appraisal and Management Strategy

### **2 GLA COMMUNITY INFRASTRUCTURE LEVY (CIL) CONTRIBUTION:**

Please be advised that approval of this application attracts a liability payment £7,665 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

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

Your proposal is subject to a CIL Liability Notice indicating a levy of £7,665 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 219 m<sup>2</sup>

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

### 3 INFORMATIVE:

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

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

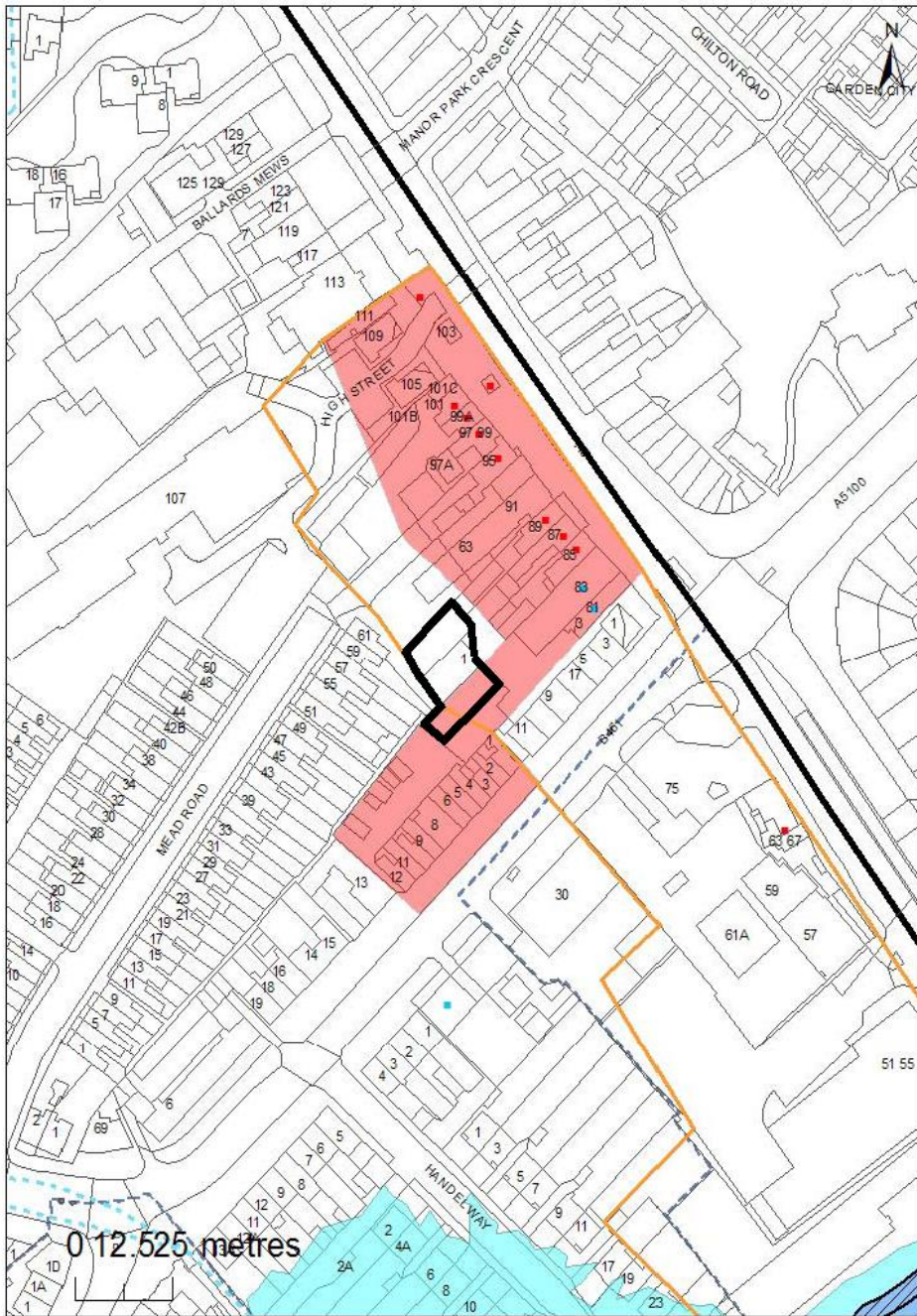
### 4 DUTY TO BE POSITIVE AND PROACTIVE

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: 6179-01 Rev B; 02 Rev B; 03 Rev A; 04 Rev A; 05; 06 Rev B; 07; PL01 Rev A.

**RODWELL PLACE, WHITCHURCH LANE, EDGWARE**



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Item No. 2/05

Address: 12 AND 13 ST GEORGES SHOPPING CENTRE, ST ANNS ROAD, HARROW

Reference: P/0829/13

Description CHANGE OF USE FROM RETAIL TO RESTAURANT (USE CLASS A1 TO USE CLASS A3); VENTILATION FLUE

Ward: GREENHILL

Applicant: REDEFINE INTERNATIONAL PLC

Agent: QUOD

Case Officer: CALLUM SAYERS

Expiry Date: 29 MAY 2013

## **RECOMMENDATION**

**GRANT** planning permission subject to conditions:

### **REASON**

The applicant has demonstrated that the viability of the application site to contribute to the retail function of the town centre had diminished and will continue to diminish in the short to medium term. The proposed change of use of Unit 12 and 13 within St. George's Shopping Centre would secure a viable employment and wealth generating use in this location. In addition the change of use would provide a more appropriate mix of uses within the centre which would complement and support the retail function of the centre whilst having a have a positive impact upon the vibrancy of the town centre and contributing positively towards the late evening and night time economy. For these reasons, the development would accord with the strategy objectives, and a departure from saved policy EM16 of the Unitary Development Plan is therefore justified in this instance.

The change of use would have a positive impact on the character and vibrancy of the area, whilst ensuring that the development would not adversely affect the amenity of neighbouring occupiers, highway safety and convenience or the abilities of all persons to use the unit in future.

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



**INFORMATION:**

This application is being reported to committee as the proposal constitutes a material departure from the development plan and is therefore excluded by provision D from the Scheme of Delegation dated 14 March 2012.

Statutory Return Type: Change of Use

Council Interest: None

Gross Proposed Internal Floorspace: 320sqm

Net Additional Floorspace: 0sqm

GLA Community Infrastructure (CIL) Contribution: Not applicable as no net additional floor space

**Site Description**

- The application site relates to Unit 12 and 13 within St. George's Shopping Centre, a large retail and leisure centre located at the western end of the St. Ann's Road.
- The units are combined to create a large retail unit of some 397sqm located on the northern side of the ground floor of the shopping centre, adjacent to the central atrium of the centre.
- St. George's Shopping Centre is a four-storey building and comprises a mix of retail, restaurant and leisure uses with car parking provided on the uppermost floors.
- St. Ann's Road is pedestrianised and is the primary shopping street within Harrow Metropolitan Centre.
- Unit 12 and 13 are occupied by Westside Clothing and Esquire Coffee respectively.

**Proposal Details**

- It is proposed to change the use of Unit 12 and Unit 13, from retail (A1) to a restaurant (A3).
- It is proposed to provide a ventilation extract duct which would discharge onto the Kymberley Road elevation. The extract duct would be obscured from view by the existing ventilation grills on this elevation.

**Revisions to extant planning permission (P/1996/12)**

- Kiosk C is now no longer part of the application
- Unit 13 and now all of Unit 12 make up the application site.
- Redirection of kitchen extraction ventilation system.

**Relevant History**

WEST/184/93/FUL

4-STOREY DEVELOPMENT/RETAIL AND LEISURE, CAR PARKING AND ACCESS

Granted : 20 December 1993

P/1979/12

CHANGE OF USE FROM RETAIL TO RESTAURANT (USE CLASS A1 TO USE CLASS A3); VENTILATION FLUE (UNITS 10 AND 11)

Granted : 07 September 2012

P/1996/12: CHANGE OF USE FROM RETAIL TO RESTAURANT (USE CLASS A1 TO USE CLASS A3); VENTILATION FLUE (UNIT 13, KIOSK C AND PART OF UNIT 12)

Granted : 07 September 2012

## **Applicant Submission Documents**

- Design and Access Statement;
- Plant Noise Assessment;

## **Consultations**

Highways Authority: No Objection

Policy & Research: No Objection

Environmental Health: No Comment

**Advertisement:** Departure from Development Plan

Expiry: 9<sup>th</sup> May 2013

**Site Noticed Erected:** 18 April 2013

Expiry: 9<sup>th</sup> May 2013

## **Notifications**

Sent: 59

Replies: 0

Expiry: 1<sup>st</sup> May 2012

## **Neighbours Consulted:**

St George's Shopping Centre, St Anns Road: Units 1-37, Kiosks 1-9 and A-E

St Ann's Road: The Rat and Parrot Public House, Flat 1 at The Rat and Parrot Public House

St Kilda's Road: 1, 1a

Greenhill Way: 50-74 (even)

Headstone Road: 47, 48

Springfield Road: 15, 15-19

Abercorn House, 15-19 Springfield Road: Unit 1

## **Summary of Responses:**

- None

## **APPRAISAL**

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

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

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

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

## **MAIN CONSIDERATIONS**

### **Principle of Development and Land Use**

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

Policy CS1.L of the Harrow Core Strategy recognises that Harrow town centre should be promoted as a focus for community life, providing residents with convenient access to a range of shops, services and cultural and leisure facilities.

Saved policy EM16 of the Harrow Unitary Development Plan 2004 seeks to ensure that Harrow Metropolitan Centre provides good shopping facilities whilst maintaining the balanced range of other uses essential to the vitality of centres. This policy sets out a criteria based approach for changes of uses from shops to other uses which reflect these objectives and states that the change of use to non-retail uses will normally be permitted provided that: a) the proposed use provides a service that is directly related to a shopping trip and supports the retail function of the centre; b) the length of primary frontage in non-retail use in Harrow town centre does not exceed 15%; c) a harmful concentration of non-retail uses is not created or added to; d) the premises can be adequately serviced without harm to highway safety or convenience; and e) a window display or appropriate frontage is maintained. Other use classes other than A Use Classes will not normally be permitted. Saved policy EM24 of the Harrow Unitary Development Plan 2004 seeks to improve the environment of town centres.

The proposed change of use of the retail units to a café / restaurant would represent a use that is directly related to shopping trips and would support the retail function of the centre. Cafes / Restaurants provide an important function within town centres in ensuring that footfall generated by the primary retail function of the centre is retained within the town centre. Cafes / restaurants can also positively enhance the vibrancy of town centres, and particularly so in shopping centres where the noise generated by such uses is acoustically retained in the shopping centre which is not the case with retail uses. The use of the property for café / restaurants use would retain the window display for the units. The shopping centre is well provided for in terms of servicing and the development would not adversely affect highway safety or convenience. It is therefore considered that the development would accord with criteria a, d and e of saved policy EM16 of the Harrow Unitary Development Plan 2004.

The percentage of primary frontage in non-retail use in Harrow town centre is 16.73% (as of June 2012). The proposed change of use would increase the percentage of primary frontage in non-retail use to 17.49%. Such a level of non-retail uses in the primary frontage would significantly exceed the 15% threshold set out in saved policy EM16 of the UDP. However, it is inappropriate to consider that development would be harmful solely because it would exceed a quantitative measure stated in the development plan. Rather, a satisfactory test of the appropriateness of use should be based on providing an optimum mix of uses to support a healthy, economic, diverse and prosperous town centre which achieves the strategic objectives of the development plan of providing a sense of place and the heart of the community. A quantitative analysis of the percentage of retail uses in the centre, though it may provide a useful indicator, cannot successfully do this, as higher levels of non-retail uses may be appropriate in one part of the centre, but may not in another. The consultation document of the Harrow and Wealdstone Area Action

Plan Development Plan Document, though it should be afforded limited weight at this stage, recognises the limitations of a quantitative measure in securing the appropriate mix of uses and includes an exception clause whereby development proposals which demonstrate that the proposal would make a positive contribution to the vitality and viability of the town centre can be supported.

St. George's Shopping Centre is identified as being within the primary shopping frontage of the town centre but shopping centres tend to operate in a materially different way to other street frontages as the retention levels of customers and consumers in these areas tends to be higher than other parts of town centres. It was agreed by the Council within planning permission P/1996/12 that it was evident that there was a decline in the demand for A1 retail units within the Shopping Centre, which has been evident by a number of retail liquidations. The proposed change of use would ensure vacancy levels in the shopping centre are reduced whilst also ensuring that the vitality and vibrancy of the centre is enhanced by providing a more appropriate mix of uses in the shopping centre.

Planning permission granted in September 2012 (P/1996/12) allowed for unit 13 and kiosk C to change from A1 to A3, and leaves all but the rear part of unit 12 (Esquires coffee shop – A1) unchanged. In accordance with policy the unimplemented planning permission has been taken into account in the Council's frontage survey data and is therefore included in the April 2013 survey which shows Harrow town centre's primary frontage having a balance of 79.03% retail and 20.97% non retail. The approved arrangement also means that the two existing units (kiosk C and unit 13) and unit 12 would form a row of 3 (existing) units in A3 use. The adjacent unit 14 is in retail use.

The current proposal being considered would amalgamate units 12 and 13 and retain kiosk C in its current state and use. If the current application were to be granted and implemented (and thus superseding permission P/1996/12) it would thus 'restore' for the Council's survey purposes kiosk C to retail and therefore result in a slightly better retail/non retail balance than the approved situation. It would also mean that only two existing units in a row are A3 (12/13) compared to the 3 of the approved situation. In the absence of appropriate retail uses therefore within the centre to take up the existing vacant retail units, it is considered that the use of Unit 12 and 13 for A3 use, a use which would complement the retail function of the centre and add to the vibrancy of the centre as discussed in the following paragraph, would provide an appropriate use in this location and positively enhance the mix of uses in the immediate area.

Within St. George's Shopping Centre with McDonalds, ASK and Prezzo already located on the first floor, with Starbucks located on the ground floor. St. George's Shopping Centre provides a busy arcade within the town centre and experiences high levels of footfall. The shopping centre appears to be performing well in terms of activity and vibrancy and there are no indications that the existing A3 uses in the centre have detracted from the retail offer of the shopping centre. Rather, these units appear to be performing well in this environment and supporting the retail function of the centre. There are three vacant retail units within the shopping centre, approximately located centrally in the ground floor central arcade, and it would appear then than A3 units in this location are more resilient to the adverse economic conditions.

The applicant has demonstrated that the viability of the retail function of St George's Shopping Centre is diminishing and is likely to further diminish in the short to medium term as the market struggles with economic conditions. St. George's Shopping Centre is, however, well placed to overcome these adverse economic conditions provided an

appropriate mix of uses can be provided for the centre, given the high levels of footfall that the shopping centre experiences. The change of use of the proposed units to A3 use would provide increased vibrancy to the centre and, in the absence of likely retail occupiers in the short to medium term, increase vitality and wealth generating uses to the shopping centre and the town centre, as well as increasing the competitiveness of the late evening and night time economy. The proposed change of use would meet the strategic objectives of the NPPF and the development plan in providing a healthy, dynamic, vibrant and competitive town centre which caters for local communities. A departure from the development plan, in light of other material considerations, can therefore be justified on this basis.

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

The proposed change of use would have a limited impact on the public realm in a physical sense as the shop front to the unit would be retained. Rather than customers using a retail shop, customers would be seated. As discussed above, it is considered that the proposed change of use would add to the vibrancy of the centre creating additional noise in the centre which would positively impact on the shopping experience within the centre. The proposed change of use would therefore accord with policy 7.4.B of The London Plan, policy CS1.B of the Harrow Core Strategy 2012 and saved policy D4 of the Harrow Unitary Development Plan 2004.

The ventilation duct would be obscured from public view by the existing ventilation grills on the side of the building and would not therefore impact on the character or appearance of the area.

### **Amenity**

The development proposes to provide a ventilation extract duct which would discharge on Kymberley Road. The extract duct would be obscured by the existing ventilation grill and not be located in close proximity to any residential properties.

The Council's Environmental Health Department has not raised any objection to the development and it is considered that the proposed change of use would not adversely affect the amenity of any of the neighbouring properties, thereby according with policy 7.15.B of the London Plan 2011 and saved policies EP25, EM24 and EM25 of the Harrow Unitary Development Plan 2004.

### **Highway Safety, Servicing and Convenience**

The Highway Authority has commented on the application and has not raised any objections. The proposed change of use of the property would not have any significant impact on the transport use profile of the centre and it is considered that the development would not therefore have any adverse impacts on highway safety or convenience. St. George's Shopping Centre has good servicing areas which the proposed café / restaurant use would make use of and the proposed change of use would not therefore impact upon servicing arrangements or highway safety in this respect.

### **Accessibility**

Section 174 of the Equalities Act 2010 requires public authorities, in the exercise of its functions to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. In light of the Equalities Act 2010 and the Act which it has superseded, the Disability Discrimination Act 1995, planning bodies, from the Department of Communities and Local Government down to local planning authorities have adopted policies which require development to provide for

the highest standards of inclusive design and ensure that development does not prejudice the rights of any person under Section 174 of the Equalities Act 2010.

In respect of the proposed change of use, policy 7.2.C of the London Plan 2011 requires all future development to meet the highest standards of accessibility and inclusion. Saved UDP policies D4 and C17 similarly require development to meet the highest standards of layout and design, with particular reference to disability discrimination legislation. The applicant has not submitted details of the internal areas. Though it is clear that level access would be provided to the unit, it is unclear whether access or circulation arrangements for the future users of the unit would accommodate all potential users. Nonetheless, Part M of the 2010 Building Regulations requires developers to make all reasonable efforts to provide areas that are accessible for all persons. As the unit would have to be entirely re-fitted, it is considered that this objective would be easily achievable. As this issue would be required by other legislation, it would not be reasonable to attach a condition requiring access for all persons as this would be secured in any event.

### **Equalities**

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 not considered that there are any equality impacts as part of this application.

### **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 proposed change of use would not adversely affect crime or safety in the area.

### **Consultation responses**

None

### **CONCLUSION**

Adopted development plan policies require a balance to be struck between the mix of uses in town centres to ensure the continued vitality and vibrancy of these areas. The proposed change of use seeks to exceed the adopted policy threshold for non-retail uses in primary frontages. In this instance, given the existing circumstances, whereby the viability of the retail function of the St. George's Shopping Centre is diminishing and the proposed change of use would be likely to secure an economic activity which would retain and increase the vibrancy and vitality of the centre, the proposed change of use of the unit is considered to be appropriate. The proposed use would support the attractiveness of the retail offer of the town centre and secure the strategic policy objectives of the development plan. On this basis, a departure from saved policy EM16 of

the development plan is considered appropriate in this instance.

The proposed change of use would have a positive impact on the character and vibrancy of the area, whilst ensuring that the development would not adversely affect the amenity of neighbouring occupiers, highway safety and convenience or the abilities of all persons to use the unit in future.

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

**CONDITIONS:**

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

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

2 The development hereby permitted shall only be open to customers within the following hours:

0800 and 0000hrs on Mondays to Sundays and Bank Holidays;

REASON: To safeguard the character of the area, thereby according with saved policy D4 of the Harrow Unitary Development Plan 2004

3 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: A001/U12/13, A100/U12/13, A101/U12/13, A110/U12/13, A300/U12/13, E100/U12/13, E101/U12/13, E110/U12/13, E300/U12/13 Design and Access Statement; Plant Noise Assessment; PM/TG/Q30047.

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

**INFORMATIVES:**

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The applicant has demonstrated that the viability of the application site to contribute to the retail function of the town centre had diminished and will continue to diminish in the short to medium term. The proposed change of use of Unit 12 and 13 within St. George's Shopping Centre would secure a viable employment and wealth generating use in this location. In addition the change of use would provide a more appropriate mix of uses within the centre which would complement and support the retail function of the centre whilst having a have a positive impact upon the vibrancy of the town centre and contributing positively towards the late evening and night time economy. For these reasons, the development would accord with the strategy objectives, and a departure from saved policy EM16 of the Unitary Development Plan is therefore justified in this instance.

The change of use would have a positive impact on the character and vibrancy of the area, whilst ensuring that the development would not adversely affect the amenity of neighbouring occupiers, highway safety and convenience or the abilities of all persons to use the unit in future.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary

Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

### **National Planning Policy**

National Planning Policy Framework 2012

#### **The London Plan [2011]:**

4.8.B: Supporting a Successful and Diverse Retail Sector

6.13.C/D: Parking

7.2.C: An Inclusive Environment

7.3.B: Designing out Crime

7.4.B: Local Character

7.13.B: Safety, Security and Resilience to emergency

7.15.B: Reducing Noise and Enhancing Soundscapes

#### **The Harrow Core Strategy 2012**

CS1.B/L: Overarching Policy

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

EP25: Noise

D4: The Standard of Design and Layout

EM16: Change of Use – Primary Shopping Centres

EM24: Town Centre Environment

EM25: Food, Drink and Late Night Uses

C16: Access to Leisure, Recreation, Community and Retail Facilities

T13: Parking Standards

**Development Management Polices (Main Modifications):** Policies DM1, DM35, DM36.

#### **Adopted Supplementary Planning Documents**

Supplementary Planning Document: Access for All 2006

#### **2 CONSIDERATE CONTRACTOR CODE OF PRACTICE**

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

#### **3 PARTY WALL ACT:**

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

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

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

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

Also available for download from the CLG website:

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



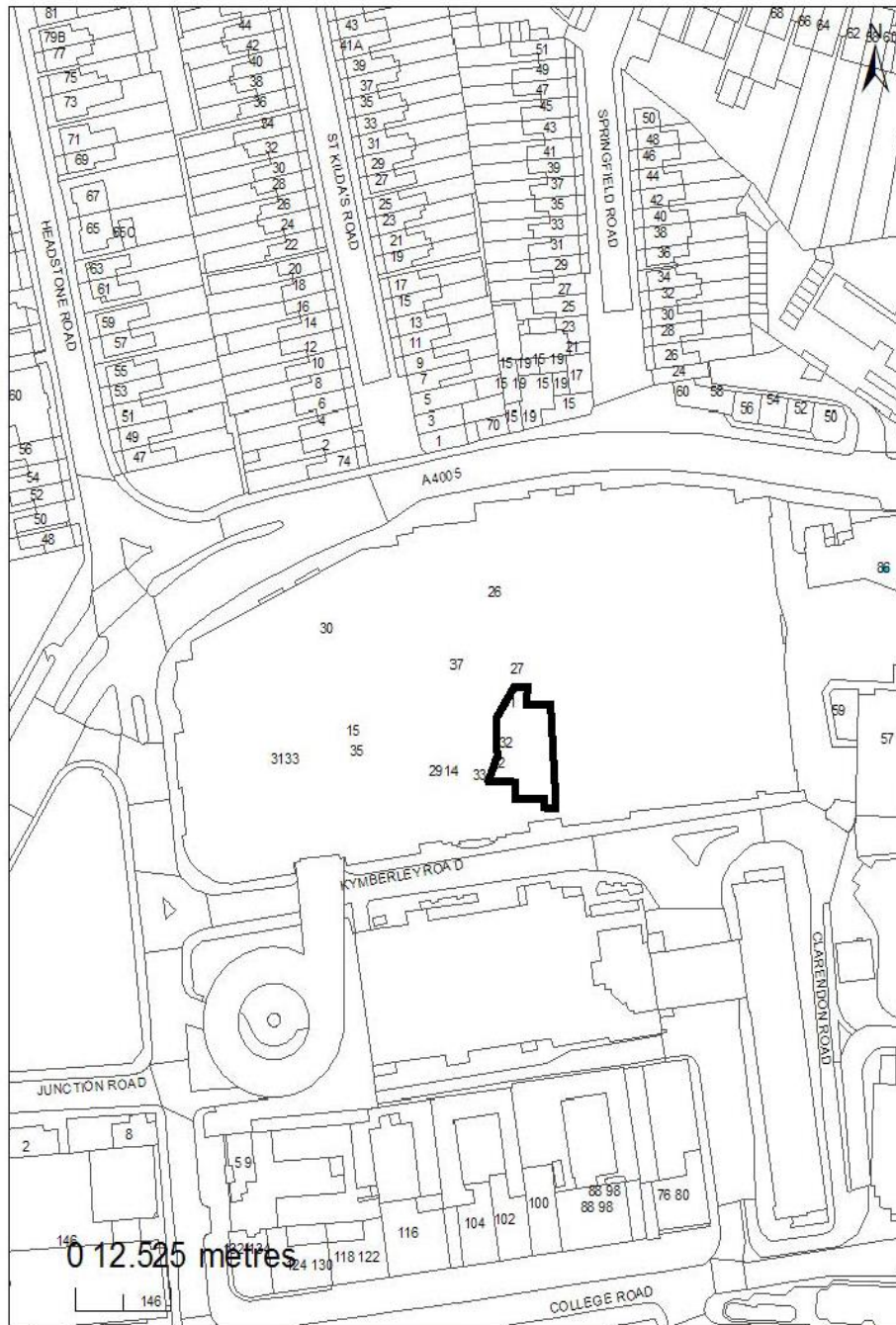
Tel: 0870 1226 236 Fax: 0870 1226 237  
Textphone: 0870 1207 405  
E-mail: [communities@twoten.com](mailto:communities@twoten.com)

#### 4 INFORMATIVE:

The applicant is reminded of the duties set out in the Equalities Act 2010 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

Plan Nos: A001/U12/13, A100/U12/13, A101/U12/13, A110/U12/13, A300/U12/13, E100/U12/13, E101/U12/13, E110/U12/13, E300/U12/13, Design and Access Statement; Plant Noise Assessment; PM/TG/Q30047

**12 ST GEORGES SHOPPING CENTRE, ST ANNS ROAD, HARROW**



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Item No. 2/06  
Address: 12 – 14 STATION ROAD, HARROW  
Reference: P/0729/13  
Description: CHANGE OF USE FROM OFFICE (CLASS B1) TO EDUCATIONAL USE (CLASS D1)  
Ward: GREENHILL  
Applicant: MR S KAZMI  
Agent: PRESTON BENNETT PLANNING  
Case Officer: CALLUM SAYERS  
Expiry Date: 17/05/2013

## **RECOMMENDATION**

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

### **REASON**

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

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 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 reported to Planning Committee as it proposes a change of use of floor area more than 400m<sup>2</sup> (986m<sup>2</sup>) and therefore falls outside Category 7 of the Scheme of Delegation.

Statutory Return Type: Change of use  
Council Interest: None

### **Site Description**

- The site is located on the eastern side of Station Road, opposite the Civic Centre on Station Road.
- The building on the site is three-storey in scale. The building has been vacant since October 2012 but has been marketed since July 2010 for B1 use in recognition of the fact

that Job Centre (the most recent occupiers of the building) would not be renewing the 15 year lease (which ends at approximately this time) on the building. There have been no enquiries from proposed occupiers in relation to the marketing of the unit for B1 office use.

- Opposite is the Civic centre, with a mixed use to the south and a small detached property to the north. To the rear of the property is the magistrates court.
- Permission is sought to change the use of the building to D1(c) educational use for Zashin College. A permanent permission is sought in recognition of the desire to Zashin College to buy the building rather than lease the building.

### **Proposal Details**

- The application seeks planning permission to change of the use of the three storey property from a B1 (office) use class to a D1 (Educational) use class.
- The change of use to the proposed D1 use would provide for an education facility, which would offer teaching for initially 250 full time equivalent students which would then increase to a maximum of 500 students.
- There would be no more than 100 – 150 students at the premises at any one time.
- Teaching hours would be 08.30 – 2230 from Monday to Friday, and 8.30 – 18.00 on Saturdays.
- No teaching would take place on Sundays or Bank Holidays, however the premises would be accessible to students for library and internet usage.
- Initially there would be 14 full time members of staff, however this would increase to 22 after one year.

### **Relevant History**

- None

### **Pre-application Advice (Ref: HA\2012\ENQ\00313)**

- Acceptable in principle subject to satisfactory marketing documentation being submitted.

### **Applicant Submission Documents**

- Planning Statement
- Marketing Evidence

### **Consultations**

Highways Authority – No Objection  
Policy & Research – No Objection.

### **Notifications**

Sent: 23

Replies: 0

Expiry: 12 April 2013

### **Addresses Consulted:**

Caretakers flat, Harrow Magistrates Court, Rosslyn Crescent, HA1 2SU

Masters House, Marlborough Hill, Harrow, HA1 1UD

20 Station Road, Harrow, HA1 2SL

Forest Lodge, 20 Station Road, Harrow

Development Site Offices and Flats, 1 Marlborough Hill, Harrow

Flat 1- 14 Forest Lodge, 20 Station Road, Harrow HA1 2BF

Flat A & B, Development Site Offices and Flats, 1 Marlborough Hill, Harrow

## Summary of Responses:

- None

## APPRAISAL

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

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

The NPPF has been in place for 12 months since the 27th March 2013. Therefore, as stated at para 214, the period in which decision takers can continue to give full weight to policies adopted since 2004, but before the NPPF came into force, will be at an end. Para 215 states that 'following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

Whilst Harrow's Core Strategy was adopted one month before the NPPF came into force, it was subject to a consultation on its conformity with the draft NPPF, and the Inspector's report concludes that the Core Strategy is in conformity with the NPPF.

Harrow's emerging Local Plan policies in the DM Policies, AAP and Site Allocations are at a very advanced state of preparation, and in line with NPPF para 216, can be afforded substantial weight. There are no real substantive unresolved issues with regards to any of the policies in any of the documents.

Harrow's saved UDP Policies can continue to be used, and be given due weight as affords their consistency with the NPPF.

## MAIN CONSIDERATIONS

### Principle of Development and Land Use

The application proposes to change the use of the existing property from a B1 (Office) use class to a D1 (educational) use class.

Policy CS1 O undertakes to manage the release of surplus business and industrial premises in accordance with a sequence that starts with non-allocated sites. Policy CS1 P undertakes to set out criteria for the managed release of surplus employment land in the Development Management Policies DPD or the Area Action Plan as appropriate. These criteria will, upon adoption, replace those set out in saved UDP Policy EM15. In view of the advanced stage reached in the preparation of the DPD and AAP significant weight to them in the decision making of this proposal shall be attributed. However, as the saved provisions of the UDP remain for now part of the adopted development plan, relevant policies shall also be addressed.

Saved policy EM15 states that the Council will normally only permit changes of use from B1 use outside of designated areas where it can be demonstrated that: a) there is sufficient provision of other sites or premises available for B1, B2 and B8 uses within the local area and throughout the remainder of the borough; b) there is no unacceptable harm to the local economy; c) there is satisfactory evidence that the site has been marketed extensively for B1, B2, and B8 uses; d) the site has been vacant for a considerable length of time; e) in the case of B2 or B8 uses, continued use would have an impact on the amenity of neighbouring

occupiers; f) access to public transport is poor and is unlikely to be improved; and g) access for delivery vehicles is poor, where required, and unlikely to be improved. Saved policy EM15 of the HUDP (2004) requires planning authorities to give consideration to market and other economic information, whilst take account of the longer term benefits as well as the costs and consider whether proposals help meet the wider objectives of the development plan.

Given the current economic climate, the demand for office space within the Borough has seen a steady decline. This is reflected in the Council's monitoring reports on B1 office space in the Borough, which shows an increase almost every year in the past ten years in the amount of vacant office floor space, despite the decreasing overall provision of office floor space. The applicant has demonstrated the availability of B1 office space in the supporting documents, thereby satisfying criterion (a) of saved policy EM15 of the UDP. The applicant has stated that the premises have been vacant for the period of marketing (up to 12 months) and whilst the use of the site for offices rather than educational uses is likely to generate a greater economic value to the borough, given the vacancy of the premises for this period, it is considered that having the premises occupied and used, would provide a viable alternative to the use of the site as offices. It is clear then that the site has been vacant for a considerable length of time with little prospect of occupation in the near future. In this respect, it is considered that there would be no unacceptable harm to the local economy resulting from the loss of B1 office space. The proposed development would therefore meet the tests of criteria (b) and (d) of saved policy EM15 of the UDP.

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

Further to saved policy EM15 of the UDP above, policy DM32 (Office Development) of the Development Management Policies DPD (Main Modifications version) is also applicable and continues in a similar vein to saved policy EM15. Criteria D seeks to ensure that evidence of continuous and suitable marketing over a 12 month period can be demonstrated to support any planning application seeking to change the use of the B1 floor space. The applicant has submitted a report by local agent Ferrari Dewe which states that marketing of the building commenced July 2010. The marketing methods used have included a display board on the front of the premises, a mail-out to 282 potential office enquires and 765 office occupiers within a 5 mile radius of the site. No rental offers for B1 use were received. In view of the location and size of the building this is considered to be a reasonable effort in terms of seeking to re-let the accommodation and marketing.

In conjunction with policy DM32, policy DM46 (New Community, sport and education facilities) would support such applications provided that the principle of the loss of the B1 was considered to be acceptable. In this case the loss of the B1 use has been found to be acceptable, and therefore the reuse of the vacant building, and in particular with a community or educational use is encouraged.

The site is located in a highly accessible location and though no demonstrable need for educational facilities has been submitted by the applicant, it is recognised within the Core Strategy that educational uses are an expanding area of growth. The high accessibility of the

site will appeal to potential students and it is considered that there will be adequate demand in this location for such facilities. The site has safe access and as discussed in the Travel Plan, it is likely that many students will use public transport. The accessibility levels of the site will be discussed in Section 4 of the Appraisal below.

In summary, it is considered that the proposed change of use would accord with the broad thrust of the current policy context. The proposed change of use would be located within a highly accessible area and would bring back into use a building that is currently vacant. From considering the assertions and statements provided, subject to evidence being provided to demonstrate these assertions, it is considered that the proposed change of use would accord with the criteria based approach set out in saved policy EM15 of the UDP and policy DM32 of the Development Management Policies DPD (Main Modifications version)

### **Character, Design and Layout and Amenity**

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

It is not proposed to alter the external appearance of the existing building, therefore it is not considered that there would be any harm to the neighbouring amenities through any loss of outlook or light. Furthermore, given the location of the existing building and proposed use and associated hours would not lead to an unacceptable increase in noise and disturbance for neighbouring properties.

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

### **Parking and Highway Safety**

The Public Transport Accessibility Level is rated as high (rating of 5) given the proximity of Harrow and Wealdstone train station combined with a generous provision of bus routes serving this location within easy walking distance. This encourages the use of sustainable transport hence it is considered that the site is an appropriate location for an educational use given the requirements of national, strategic and local planning policies for such facilities to be located in areas that minimise reliance on use of the private car. There are currently 13 car parking spaces serving the B1 use which will be decreased to 11 and is accepted given the context of the site.

Based on this aspect of sustainability and that the location is set within an extensive controlled parking zone, it is not anticipated that the spread of anticipated student classes consisting of 100-150 students on-site at any one time (of which a significant proportion are not expected to be private car users) will create any measurable transport/traffic issues in the area. To ensure that a sustainable method of transport is continually in use, a Travel Plan is required to be implemented and retained throughout the D1 use. The implementation of the Travel Plan shall be secured by way of a condition, and is recommended accordingly.

There should be 1 secure cycle space provided per 8 staff and students. On that premise at

least 15-20 secure cycle spaces should be provided to conform to London Plan 2011 standards. The proposed ground floor plan shows that a 27sqm area has been set aside for bicycle storage, which is considered to be satisfactory.

In summary as any vehicle trip movements would be spread throughout the day due to 'time slots' for arranged teaching classes and would not exceed the prior peak hour B1 use trip generation, it is therefore considered there is no foreseeable reason on transport impact grounds to prevent the change of use proposed.

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

### **Accessibility**

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

In respect of the proposed change of use, policy 7.2.C of the London Plan 2011 requires all future development to meet the highest standards of accessibility and inclusion. Saved UDP policies D4 and C17 similarly require development to meet the highest standards of layout and design, with particular reference to disability discrimination legislation. Part M of the 2010 Building Regulations requires developers to make all reasonable efforts to provide areas that are accessible for all persons. As it appears the building would have to be entirely re-fitted, it is considered that this objective would be easily achievable. As this issue would be required by other legislation, it would not be reasonable to attach a condition requiring access for all persons as this would be secured in any event.

The application therefore accords with Policy 7.2 of The London Plan 2011, saved policies D4, C7, C16 and C17 of the HUDP (2004) and the adopted Supplementary Planning Document 'Access for All' (2006).

### **Equalities**

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 not considered that there are any equality impacts as part of this application.

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

Policies 7.3.B and 7.13.B of The London Plan and saved policy D4 of the UDP require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. Though the units would be accessed from the rear and outside of public surveillance areas, the rear of the site is overlooked by the other units on the site and is



also secured by electronic gates, thereby discouraging crime and disorder. Accordingly, it is considered that the proposed development would not adversely affect crime or safety.

## **Consultation responses**

None

## **CONCLUSION**

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

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

## **CONDITIONS:**

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

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

2 The use hereby permitted shall not be open to customers outside of the following times without the prior written permission of the Local Planning Authority: -

a) 08.30 to 22.30 hours, Monday to Friday,

b) 08.30 to 18.00 hours on Saturdays.

c) 08.30 to 18.00 hours Sundays or Bank Holidays.

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

3 The use hereby permitted shall not commence until a Travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include the provision of secure bicycle storage on site for 20 spaces in line with The London Plan 2011 requirements. Any approved Travel Plan shall be implemented and retained thereafter.

REASON: To ensure the satisfactory provision of facilities for all users of the site and in the interests of highway safety, in accordance with policy 6.3.A/B/C of The London Plan 2011 and saved policies D4 and T13 of the Harrow Unitary Development Plan 2004.

4 The use hereby permitted shall be limited to no more than 100 – 150 students on the premises at any one time.

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

5 The premises shall be used for the purpose specified in the application and for no other purpose, including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification) without the prior written approval of the Local Planning Authority.

REASON: To safeguard the amenity of neighbouring residents and the character of the

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

6 The development hereby permitted shall be carried out in accordance with the following approved plans: 1786/01, 1786/02, 1786/03, 1786/05, 1786/06, Planning Statement, Transport Assessment, Cover Letter dated 21<sup>st</sup> March 2013.

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

## **INFORMATIVES:**

### **1 INFORMATIVE:**

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

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

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

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

National Planning Policy Framework 2012

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

The Harrow Core Strategy: CS1. L

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

Supplementary Planning Document: Accessible for All 2006

Development Management Policies 1, 32, 46.

### **2 CONSIDERATE CONTRACTOR CODE OF PRACTICE**

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

### **3 INFORMATIVE:**

#### **COMPLIANCE WITH PLANNING CONDITIONS**

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

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

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

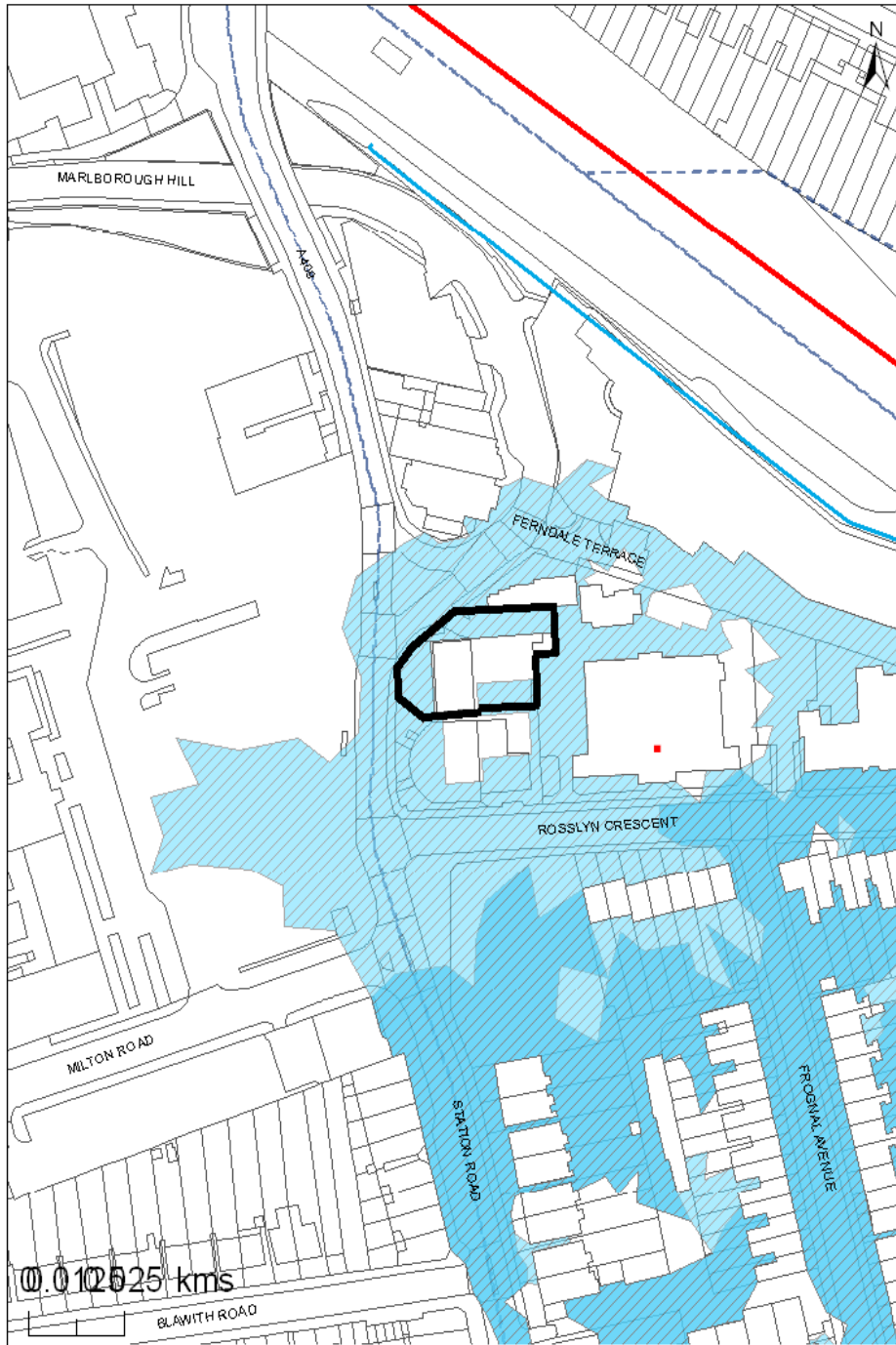
#### 4 INFORM\_PF1

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: 1786/01, 1786/02, 1786/03, 1786/05, 1786/06, Planning Statement, Transport Assessment, Cover Letter dated 21<sup>st</sup> March 2013.

12-14 STATION ROAD, HARROW



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Item No. 2/07

Address: SHISHU BHAVAN, 25-27 HIGH STREET, EDGWARE

Reference: P/3012/12

Description: TWO AND THREE STOREY REAR EXTENSION AND EXTENSION TO ROOF TO CREATE A NEW 3RD FLOOR; CHANGE OF USE FROM OFFICE, WORKSHOP AND CAR SHOWROOM (USE CLASS B1 / SUI GENERIS) TO COMMUNITY CENTRE WITH CARETAKERS FLAT (USE CLASS D1/D2/C3); SMALL ENLARGEMENT TO EXISTING BASEMENT; EXTERNAL ALTERATIONS; EXTRACT FLUE ON SIDE ELEVATION; ASSOCIATED CAR PARKING; LANDSCAPING; BIN STORAGE AND NEW BOUNDARY TREATMENT

Ward: EDGWARE

Applicant: SHISHUKUNJ

Agent: ADRIENNE HILL LIMITED

Case Officer: NICOLA RANKIN

Expiry Date: 18- FEB-13

## RECOMMENDATION A

**GRANT** planning permission subject to conditions and the completion of a Section 106 agreement by 29 August 2013. Delegated Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section106 agreement and to agree any minor amendments to the conditions or the legal agreement.

**INFORM** the applicant that:

1. The proposal is acceptable subject to the completion of the Legal Agreement to include the following Heads of Terms:
  - I. The submission of a final **Green Travel Plan** and implementation upon first occupation of the development
  - II. The submission of a final **Event Management Strategy** and implementation upon first occupation of the development
  - III. **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the S106 Legal Agreement
  - IV. **Planning Administration Fee:** A £500 fee payable to the Local Planning Authority for monitoring of and compliance with the agreement.

## REASON

The proposed use of the building for community and educational purposes would play a key role in promoting community cohesion, integration and the cultural wellbeing of communities in the London Borough of Harrow in line with the social and sustainability objectives of the NPPF. The proposed extensions and alterations to the building are

well considered in terms of design and would make a positive contribution to the character of the area and would also preserve the setting of the adjacent Grade II listed Change of Hart Public House. The building is situated in an appropriate, accessible location for a high intensity use. Subject to the implementation of an Event Management Strategy and adoption of a full Green Travel Plan, secured through a section 106 agreement, the facility would not result in any adverse impacts on the local highway given the good public transport links. The proposal is not located within a residential area and is considered not to result in any unreasonable adverse impacts on the residential amenities of the closest neighbouring residential properties and any associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions. Overall the development would therefore not have any significant visual, transport or other impacts that would warrant refusal of Planning permission. The decision to GRANT planning permission has been taken having regard to the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012, the saved policies of the Harrow Unitary Development Plan 2004 and the National Planning Policy Framework as well as to all relevant material considerations, including site circumstances and comments received in response to publicity and consultation.

### **RECOMMENDATION B**

That if the Section 106 Agreement is not completed by 29 August 2013, then it is recommended to delegate the decision to **REFUSE** Planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a legal agreement to secure implementation and monitoring of a Green Travel Plan and an Events Management Strategy would result in unacceptable and adverse impacts on the amenities of the surrounding residents and would prejudice the free flow of traffic with consequent harm to highway safety and residential amenity, contrary to policies 6.3, 6.9, 6.13 and 8.2 of the London Plan (2011) and saved policies T6 and T13 of the Harrow Unitary Development Plan (2004).

### **INFORMATION**

The application is reported to the Planning Committee because the proposed change of use would relate to an area of floorspace greater than 400m<sup>2</sup>. It would therefore fall outside of category 1(f) of the Scheme of Delegation.

Statutory Return Type: E18 Minor Development

Council Interest: None

Gross Floorspace: n/a

Net additional Floorspace: n/a

GLA Community Infrastructure Levy (CIL) Contribution (provisional): As a charitable institution is the owner of the material interest and as the chargeable development will be used wholly or mainly for charitable purposes, it is exempt from its Community Infrastructure Levy liability

### **Site Description**

- The application site is located on the southern corner of the junction of High Street, Edgware and Spring Villa Road, approximately 200 metres south of the crossroads junction with Whitchurch Lane.
- It is occupied on the frontage by a three storey building, Gemini House, and has a single storey rear projection at the rear.

- The authorised use of the building is a car show room on the ground floor with two floors of B1 offices over.
- Behind the building is a detached single storey structure, previously used as a workshop for the restoration of classic cars in association with the showroom.
- Open yards are provided on each side of the workshop, previously used for parking and storage.
- At the rear of the site is a separate parking area which provides space for 9 cars in a double banked layout previously allocated for the two office floors in Gemini House.
- The northern boundary of the land abuts Spring Villa Road which leads to Spring Villa Business Park at the back of the site. Spring Villa Business Park is a designated business use area as identified in the Harrow Core Strategy (2012).
- On the other side of Spring Villa Road is Middlesex House, an office development with a height of three storeys along the frontage, 1.5 storeys in the centre of the building and eight storeys at the rear.
- To the south of the site is 'The Change of Hart P.H' a grade II Listed Building with an associated rear garden.
- On the east side of the High Street and opposite the site is Berkley House, an eight storey building.
- Edgware High Street is a London Distributor Road.
- There is a gentle slope across Edgware High Street at the front of the site from south east to north west.
- The site is within flood zone 2/3 and identified as having a medium to high probability of flooding, as shown on maps in LB Harrow Strategic Flood Risk Assessment (SFRA)(2011).
- The site is situated within an Archaeological Priority Area.
- The site is not within a Conservation Area.

### **Proposal Details**

- The application proposes a two and three storey rear extension to create a new third floor and change of use from the authorised use as an office, workshop and car showroom (use class B1/Sui Generis) to a community/educational centre with caretakers flat at second floor level (use class D1/D2/C3). The proposal would involve external alterations to the building including the provision of an extract flue on the side of the building, together with associated car parking, landscaping, bin storage and new boundary treatment.
- It is intended that the community centre would provide a learning space for use by local businesses and cultural communities. It will include a Library and Resource facility for the Shishukunji Charity.
- The Shishukunj charity would employ one caretaker who will live in and four part time staff for office related duties.
- The proposed opening hours would be between 09:00am to 22:30 Monday to Friday; 09:00 to 24:00 on Saturday and 09:00 to 21:30 Sunday and Bank Holidays.
- The ground floor would provide a new hall space (148m<sup>2</sup>), kitchen (27m<sup>2</sup>), Changing area (35m<sup>2</sup>) together with ancillary toilets, lobby space and reception area.
- The proposed first floor would provide a second hall space (160m<sup>2</sup>) and would provide access to an external roof terrace (37m<sup>2</sup>) together with ancillary toilets, storage and kitchen space.
- The second floor would provide a Studio/Conference Room (61m<sup>2</sup>), a Meeting Room (25m<sup>2</sup>) and office space (10.7m<sup>2</sup>). The second floor would also provide an ancillary caretakers flat with a gross internal area (GIA) of 73m<sup>2</sup>.

- The proposed third floor would provide an Open Media/Library/Study/Meeting Room (45m<sup>2</sup>), office (10.7m<sup>2</sup>), together with ancillary toilets, lobby space and plant room.
- The extension to the roof to create a third floor would set back from the main front elevation of the building by between 3.5 metres and 4 metres. It would be set in from the eastern elevation between 4.24 metres and 4.8 metres. It would have a width of 10 metres and a depth of 14.63 metres.
- The third roof element would be finished with a flat roof and would link into a curved roof on the western side of the building. The third floor roof extension would result in the building having a maximum height of 13.8 metres along the northern elevation fronting Edgware High Street.
- The eastern flank wall of the proposed three storey extension would have a depth of 10.2 metres and would have a curved projection on the rear elevation which would accommodate the main internal staircase.
- At second and third floor level, the rear stair tower would add a further depth of 4 metres beyond the existing rear building line established by the existing escape stair wing on the western side of the building.
- The proposed two storey rear extension would project an additional 8.9 metres on the western side of the building adjacent to Spring Villa Road. It would have a flat roof with a maximum height of 6.7 metres.
- The two storey rear extension would link into a roof terrace at first floor level which would adjoin the eastern flank wall of the building.
- The first floor roof terrace would have a depth of 5 metres and a width of 8.9 metres. The floor level of the roof terrace would be elevated 4 metres above ground level.
- The main entrance to the building would be through a recessed entrance on the western flank wall of the building.
- A new window would be introduced at ground floor level on the front elevation of the building as well as additional glazing on the ground floor western elevation.
- The existing flat roof and the roof of the two storey rear extension would be converted to a green roof.
- To the rear of the site, the existing detached garage would be demolished and the parking layout altered to provide a total of 22 parking spaces including two disabled spaces. Seven of the parking spaces would be provided for 'crush event parking'.
- The rear parking area would be landscaped with the addition of new trees and raised planters.
- A designated cycle parking area would be provided adjacent to the rear elevation of the building and eastern side boundary of the site which would accommodate 30 cycles.
- A designated refuge storage area would be provided adjacent to the rear western boundary of the site.

### **Relevant History**

EAST/981/98/FUL

Change of use of existing building, ground and first floor rear extensions and staircase to provide temple with ancillary hall, offices, flat and parking at rear

GRANTED : 03-MAY-2001

### **Pre-Application Discussion (Ref. PAT/ENQ/00051)**

- In line with the advice given in the previous pre application response dated May 2009, the proposed education and administrative use (class D1) is considered to be appropriate in principle, given the current use of the site as a temple. The building could also be used for community purposes, the application could be for a mixed



D1/D2 use.

- Further information is required in terms of the nature and the intensity of the use in order to make a full assessment of the likely implications of the proposal. Details of hours and days of operation, the nature of the use of the building at different times, number of people attending the property and the number of employees would be required.
- There is no objection to the principle of extensions and refurbishment of this building which could result in an improvement of this property in the street. However, there are concerns over the scale and design of the rear extension and additional storey proposed, in relation to the setting of the adjacent listed building. A reduction in scale is therefore recommended and/or further justification required in relation to the proposed design.
- Concerns are also raised about the apparent blank frontage at the front. Whilst this should ideally incorporate the main entrance, the difference in levels meant that this would not be practicable. Notwithstanding this, an active frontage should be provided.
- The parking requirement and impact on the highway network could depend on the likely intensity of use. As discussed above, an extensive itinerary of events should be submitted. A travel plan would be required, including arrangements for drop off, pick up etc.
- The site lies on the edge of Flood zones 2 and 3, so a Flood Risk Assessment would be required, including mitigation measures.
- The retrofitting of the building should improve environmental performance and a statement should be submitted in this regard.
- The new circulation core would be welcomed and would improve accessibility.

### **Applicant Submission Documents**

- Travel Plan
- Flood Risk Assessment
- Heritage Asset Statement
- Event Management Plan
- Sustainability Checklist
- Noise Impact Assessment
- Planning, Design and Access Statement (Summary)
  - The application is made on behalf of the Shishukunj Charity. The purpose of the application is to establish a new centre in Harrow where the charity's administrative head quarters can be based. The facility will be known as the Shishukunj Community Centre.
  - Shishukunj organises and delivers weekend classes of an educational nature for children and this is the principal use. At other times, when the charity is not running its classes and related activities, with the exception of the proposed caretaker's flat and the offices, the building will be available for hire by community users.
  - Shishukunj is a registered charity which was established in 1976 for the benefit of children.
  - The Shishukunj Community Centre will provide space for learning for use by the local business and cultural communities. The building will also provide a Gujarati Library and Resource facility. The library element will provide a language and study facility.
  - The charity commits to the implementation of an Event Management Plan in order to minimise the impact on the public highway during events and to

encourage the use of sustainable modes of travel through the implementation of measures set out within the accompanying Travel Plan.

- During the week it is intended that the hall will be available for hire, potentially appealing mother/toddler groups; Adult Learning classes; music, drama and dance classes; Elderly Social activities.
- Generally, day to day activities at the centre will relate to the administration of the Charity, education and other community uses.
- Overall, the proposal is considered to be compatible with national and local policy. The site is under used, previously developed site within an existing built up area close to amenities. It does not lie within a conservation area and the site does not have a high environmental or visual value. The site is located adjacent to a listed building but the proposed improvements to the building will have positive visual benefits in this respect. A space will be achieved which promotes opportunities for meetings between members of the community who might not otherwise come into contact. As such, this development will play a key social and community role in an accessible location, which reflects the community needs as identified by Shishukunj.

### **Consultations:**

**Highways Authority:** The site's accessibility and proximity to local services results in a satisfactory location for a D1 facility. In respect of highway capacity and safety, the level of car trips associated with the proposal use is not predicted to be detrimental due to the 'off- peak' nature of most of the proposed activities and sustainable travel choices available. As such, it is considered there is no foreseeable reason on transport impact grounds to reject the D1 use. However I suggest that a cap is imposed on the 'worst case' attendance figure in order to contain further expansion which may otherwise 'tip the balance' toward private car use.

**London Borough of Barnet:** No objection

**English Heritage Archaeology:** Given the location within the medieval settlement of Edgware and the proximity to the roman road, an archaeological condition should be attached to any consent granted for the scheme.

**English Heritage:** This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**Conservation Officer:** The revised application addresses the concerns raised at the pre-application meeting. The extensions have been pulled back from the listed building. The proposal would preserve the setting of the listed building. It is recommended conditions are included for details and materials.

**Environment Agency:** We are satisfied that that the Flood Risk Assessment (FRA) meets the requirements of the NPPF as it demonstrates that the development type is acceptable for the flood zone. The sequential approach to site layout has been taken. The extension lies outside of the modelled 1 in 100 year plus climate change flood extent on the site and there will be no ground raising as part of the proposals and in places the ground level will be lowered to provide additional flood storage. The FRA demonstrates that safe dry access/egress during the design event is available. Furthermore, reductions in flood risk to the site will be achieved through the proposed drainage strategy and extra flood storage will be provided.

**Drainage:** The submitted Flood Risk Assessment is acceptable.

**Advertisement:**

Press Advert: Setting of A Listed Building    Expiry: 14.02.2013

Site Notice: Setting of A Listed Building:    Expiry: 07.03.2013

**Notifications**

Sent: 46

Replies: 0

Expiry: 15.04.2012

**Addresses Consulted**

- Middlesex House – 29-45 High Street, Edgware
- Change of Hart Public House – 21 High Street, Edgware
- Second Floor Flat – 25-27 High Street, Edgware
- 1, 4, 5 Spring Villa Road

**Summary of Responses**

- None

**APPRAISAL**

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

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

The National Planning Policy Framework [NPPF] has been adopted and considered in relation to this application. Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'. Whilst Harrow's Core Strategy was adopted one month before the NPPF came into force, it was subject to a consultation on its conformity with the draft NPPF, and the Inspector's report concludes that the Core Strategy is in conformity with the NPPF. Harrow's emerging Local Plan policies in the DM Policies, AAP and Site Allocations are at a very advanced state of preparation, and in line with NPPF paragraph 216, can be afforded substantial weight. There are no real substantive unresolved issues with regards to any of the policies in any of the documents. Harrow's saved UDP Policies can continue to be used, and be given due weight as affords their consistency with the NPPF.

Harrow's 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].

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

The document has been subject to two rounds of consultation; between 13 May 2011 and 24 June 2011 on the Council's Preferred Options Development Management Policies, and between 27 July 2012 and 7 September 2012 on the Pre-submission Draft document. The DPD has now been subject to an Examination in Public which conducted between 22/01/2013 to 30/01/2013. 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. Hearing sessions on a range of matters were held on 22<sup>nd</sup>, 28<sup>th</sup> and 30<sup>th</sup> January.

Following the hearings and in response to issues raised by the Planning Inspector and participants the Council published on 21<sup>st</sup> March 2013 a schedule of Post Hearings Main Modifications for consultation. The consultation runs until 3rd May 2013 and seeks representations on the Main Modifications (only) in terms of the tests of soundness as set out at paragraph 182 of the NPPF.

Representations will be forwarded directly to the Planning Inspector to expedite the completion of his report. The Council expects to have his report late May/early June. The plans are now at a very advanced stage of preparation and the Main Modifications have been drawn up by the Council in co-operation with the Planning Inspector and participants to resolve their issues. An important part of the examination process has been to ensure consistency with the policies of the NPPF.

## **MAIN CONSIDERATIONS**

### **Principle of the Development**

The National Planning Policy Framework outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. It emphasises that paragraphs 18 to 219 should be taken as a whole. 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 application site is located south of the Edgware District Centre, just outside of the Business Use Area as identified in the Harrow Unitary Development Plan (2004) and Harrow Core Strategy (2012). The buildings to the south along Edgware High Street have a mix of uses including public house (Class D2), hotel, (Class C1) retails (Class A1) and other Sui-generis uses (mainly showrooms) as well as offices.

Whilst the authorised use of the site is a car showroom (Sui Generis) at ground floor level with ancillary offices at first and second floor level (Class B1), in recent years the building has been used as a temple (since approximately 2001). As indicated in the planning history above, a planning application (Ref: EAST/981/98/FUL) was made for the change of use of the building to a temple together with various extensions and alterations. However, as some of the associated "conditions precedent" were not discharged, the use of the building as a temple did not take effect. Notwithstanding this, the use of the building as a community and educational centre in this particular location is also considered to be appropriate and is likely to give rise to a similar level of impacts on the locality as the use of the building as a temple. The site is located south of the busy Edgware District Centre and is in a reasonably sustainable location in terms of

public transport with close proximity to Edgware station and a plethora of bus services. As such, the site exhibits a good Public Transport Accessibility Level (PTAL) of 3. Furthermore, there are no residential properties in close proximity to the site with offices surrounding the north and south western boundaries of the site and a public house, adjacent to the south eastern boundary.

The upper first and second ancillary office floor space currently falls under Use Class B1; however the site does not fall within a designated Business Use area. As such, the site being a non allocated site is therefore potentially suitable for release in line with the Core Strategy spatial Strategy. The principal of acceptability of the change of use is largely governed by core policy CS1 (O) and saved policy EM15 of the Harrow UDP which seek to support businesses in the borough by protecting land and buildings suitable for employment use from other uses. Given the current economic climate, the demand for office space within the Borough has seen a steady decline. This is reflected in the Council's monitoring reports on B1 office space in the Borough, which shows an increase almost every year in the past 10 years in the amount of vacant office floor space, despite the decreasing overall provision of office floor space. Having regard to this as well as the adjacent higher quality and high density of offices of the Spring Villa Business Park, and the fact that the building has been operating as a temple for a number of years, it is considered there would be no harm to the local economy and no objection is raised to the loss of the upper floor office space or indeed to the loss of the Sui Generis use on the ground floor as a car show room. In addition to this, the principle of the change of use must also be considered in relation to wider London Plan (2011) and other local development plan objectives.

The London Plan (2011) outlines a supportive approach to the protection and enhancement of social infrastructure in order to meet the needs of the growing and diverse population (Policy 3.6). Policy 3.18 of The London Plan states that development proposals which enhance education and skills provision will be supported.

Saved Policy C2 of the Harrow Unitary Development Plan (2004) also provides support for the provision of social and community facilities and states "The council will encourage *the retention of existing community facilities and seek the provision of new ones, particularly in areas identified to be in need of such facilities or facilities required to meet the needs of particular communities*". Similarly, saved policy C10 states that "The Council will seek to maintain and retain existing premises used by the community or religious groups in the Borough". Reasoned justification paragraph 9.42 acknowledges there is a shortage of premises and sites large enough to accommodate new meeting halls and community centres in the Borough and as such where the opportunity arises, the provision of such facilities should be encouraged, provided there are no detrimental effects on the surrounding locality. The policy emphasises that due consideration needs to be given to impacts on neighbouring residents, site accessibility, levels of car parking and impact on highway safety.

In addition to the above, saved policy C11 endeavours to address the diverse planning requirements of ethnic communities in the borough. "As the boroughs ethnic diversity increases, the pressure for greater recognition of cultural diversity is likely to lead to additional demand for a variety of community facilities and it is therefore important to ensure that the development plan adequately serves the needs of the Harrow population (reasoned justification paragraph 9.46)."

Given the above considerations and above policy context, no objection is raised on

employment or location grounds to the principle of the proposed change of use. It is considered that the use of the building for the Shishukunj Community Centre will make good use of an under used building on previously developed land and would make a positive contribution to sustainable development in Harrow and in meeting the broad aims of the NPPF by providing an accessible local service that reflects the community's needs and supports its health, social and cultural wellbeing. The principal use of the building is for educational purposes and in addition to promoting community cohesion and integration the proposal would also help enhance the education and skills provision in the borough and wider London area in accordance with policy 3.18 of The London Plan (2011). The proposal would provide a multi cultural community facility which is close to its main client base in Edgware in a highly sustainable location. As such, it would make a positive contribution in terms of serving the highly diverse population in the borough and it is therefore considered that the site is in an appropriate location for a high intensity community facility. However, detailed consideration of the above policy requirements and other policy considerations are undertaken in the sections below.

### **Character and Appearance of the Area and impact on Setting of adjacent Listed Building**

The National Planning Policy Framework emphasises that in the pursuit of sustainable development, proposals which would replace poor design with better design and would provide positive improvements in the quality of the built environment should be encouraged (Paragraph 9).

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

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

Saved Policy D4 of the Harrow UDP (2004) seeks a high standard of design and layout in all development proposals and will take into consideration inter alia the site and setting, context, scale and character when assessing planning applications. It states that new development should take into account the character and landscape of the locality (paragraph 4.10) and should be appropriate to other buildings adjoining and in the streetscene (paragraph 4.11). Saved Policy D11 notes that "*The council will ensure the protection of the borough's stock of listed buildings by only permitting alterations and extensions that preserve the character and setting of the listed building and any features of architectural or historic interest which it possesses, both internally and externally*".

Gemini House is surrounded predominantly by large office buildings but also lies within the setting of the grade II listed Change of Hart public house. As such, in addition to public views from the High Street, there is also a public footpath which leads from the

High Street to the back of the pub and the proposals would therefore also be highly visible from public views from the rear. The existing building appears outdated and currently does not make a positive contribution to the existing urban context and detracts from the setting of the adjacent listed building. It is considered that the external appearance of the building would be substantially improved as a result of the proposals through enhancement of the external materials including self coloured render and the through the provision of additional glazing on the front and flank elevation adjacent to Spring Villa Road and Edgware High Street, thereby contributing to an active frontage and improving the vitality of the street scene.

The extension to the roof to create a third floor would increase the height of the building. However, it is considered that this would have an acceptable impact on the surrounding area and street scene, given the presence of a number of considerably higher office buildings in the immediate area including the eight storey office blocks of Middlesex House and Berkeley House. Furthermore, the roof extension would be set back from the main front façade of the building and eastern elevation and would therefore not be overly discernible in the street scene or from the public views to the rear. Both the two and three storey rear extensions and third floor are set in from the shared boundary with the adjacent public house. This also serves to reduce the overall bulk of the extensions at the rear.

The proposed ground and first floor level extensions will add 8.9 metres of depth to the existing building and a height of 6.7 metres. At second and third floor level the rear stair tower would add a further depth of 4 metres beyond the existing rear building line established by the existing rear stair tower. The overall scale and bulk of the extensions are considered to acceptable in relation to the scale of the existing building. At first, second and third floor level, the rear central stair tower addition is expressed as a curved visually separate element which serves to significantly reduce the overall bulk of the extensions and it is considered that the overall design would integrate sufficiently with the existing building.

The third floor roof extension would be set back from the existing building line on the east elevation by 4.2 metres to maximise the distance between the extension and the adjacent listed building. The modest size of the third floor roof extension together with its curved roof design and set in from the front parapet and eastern elevation ensures that this element of the scheme would have an acceptable relationship with the adjacent listed building in views from the High Street as well as public views to the rear. The closest part of the extensions to the Listed Change of Hart PH will be at ground floor level. A modest sloping mono pitched roof would be added to the ground floor rear extensions. Furthermore, the curved end elevation of the three storey main staircase would be located a distance of 8.5 metres from the main side elevation of the building. In line with the requirements of the NPPF (2012), a statement has been submitted describing the relevant heritage assets. Having regard to the above, it is considered that the proposals would preserve the setting of the adjacent listed building. The application has been referred to the Conservation Officer has raised no objection to the proposal. As such, the proposal would be acceptable in relation to saved policy D11 of the Harrow Unitary Development Plan (2011).

The existing detached outbuilding to the rear of the site would be demolished, thereby creating an increased sense of openness at the rear. This area would also be visually enhanced through further additional landscaping. It is considered that this would also make a positive contribution to the setting of the Gemini House and the adjacent listed

public house. In addition to the above, saved policy D4 states that provision must be made for bin and refuse storage, and goods to be recycled and that this must be provided in such a way to minimise its visual impact while providing a secure end convenient facility for occupiers and collection. Four 1100 litre refuse/recycling bins would be provided to the rear of the site adjacent to the parking area. In this location, the bins are not readily visible from the streetscene but can also be easily accessed from the main Edgware High Street. As such, the refuse facilities are considered to be acceptable in this location.

Overall, it is considered that the proposed development is a well-considered design that would make a positive contribution to the character of the area and would have an acceptable relationship with the adjacent listed building. It is considered that the scale, massing and design of the extensions would integrate successfully with the existing building and area would add a degree of visual interest to the street scene. Subject to conditions on final materials and landscaping details, the development should successfully integrate into the character of the surrounding suburban context. 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).

### **Residential Amenity**

Saved policy EP25 of the Harrow Unitary Development Plan (2004) outlines that in assessing planning applications the Council will take into account noise and vibration levels likely to result from a proposal. This is to ensure that “people and sensitive environments are not subjected to excessive noise levels from new development or changes of use. Noise generating development will not be permitted in noise sensitive areas, unless developers can demonstrate that it would not have an adverse impact on neighbouring land uses. Developers will be expected to ensure that noise arising from the proposals, including noise generated by people and vehicles arriving and leaving the premises, does not cause excessive disturbance to adjacent land uses” (Reasoned justification paragraph 3.87).

As discussed above, given the location of the building on a busy distributor road as well as the uses of the adjacent surrounding buildings, it is considered that noise and disturbance issues are less likely to arise for neighbouring residents. However, it is noted from the submitted EMP, that the charity’s main use of the buildings is at the weekends and as such the comings and goings of people during a high intensity event could result in a significant volume of people on the surrounding roads and impacts on the users of the adjacent public house.

In terms of the intensity of use, it is anticipated hall 1 would be occupied all day on Saturday between 9am and 5pm and hall 2 would be occupied between 10:30am and 5pm with additional further activities taking place in the meeting and training rooms. On Sundays, it is anticipated that the main use will take place between the hours of between the hours of noon and 5pm. During the week it is intended that the hall would be available to hire to other community users, such as elderly social activities or mother and toddler groups. However, it is anticipated that the intensity of the use of the building during the week would be considerably less as indicated by the figures shown in the diary of events within the EMP with an anticipated maximum of 40 participants per activity. With regard to the dominant use of the building on weekends, the forecasted figures indicate a worst case scenario of up to 400 persons on site simultaneously.



The closest residential properties are those located along Garrett Road within the London Borough of Barnet. The nearest residential properties within the London Borough of Harrow are situated along Albany Crescent to the south, some 165 metres away and the residential properties along Handel Way situated to the north west of the application site, some 90 metres away. Having regard to these distances, it is considered that the impact on the residential amenity of the surrounding residents in terms of noise and disturbance is likely to be minimal. Proposals for the management and control of operations at the site identified in the Event Management Plan would serve to provide some additional elements of control compared to the previous use of the site as a temple. Environmental Health has not reported any concerns with noise from the previous use on the site. It is noted that the details of events submitted under the previous application for a change of use to a temple referenced above, was not dissimilar in terms of numbers of patrons as forecasted under the current planning application, with the exception of an event occurring in hall 1 and if the building was operating to full capacity. Although there may be additional noise and disturbance for the users of the pub, this is considered not to be unreasonable, given the nature of the use which will also attract relatively large groups of people and provide music/entertainment functions. It would also have similar opening hours to the proposal.

The subject application proposes opening hours would be between 09:00am to 22:30 Monday to Friday; 09:00 to 24:00 on Saturday and 09:00 to 21:30 Sunday and Bank Holidays. In the context of the surrounding area and uses, this is deemed to be acceptable. Nevertheless, it is recommended that a condition is attached to limit the use of the building to these times in order to safeguard the amenities of the surrounding residents from noisy activity at quieter times of the night.

It is proposed to install screening around the roof terrace to a height of 1.8 metres in order to prevent overlooking to the use of the pub garden. It is recommended that a condition is attached to ensure details of this are submitted for consideration to the Local Planning Authority.

It is noted that the proposal would involve the installation of additional plant comprising of a kitchen extract fan for the use with the community centre kitchen. The applicant has demonstrated through the submission of a Noise Impact Assessment that noise emissions from the proposed plant would comfortably meet the most stringent recommendations of the relevant British Standard (BS 8233:1999 'Sound insulation and noise reductions for buildings – Code of Practice') even with neighbouring windows open. As such, no adverse impacts would arise from this aspect of the proposal.

The application also proposes a residential component at second floor level to provide a two bedroom caretakers apartment. There is no objection to the principle of residential accommodation at this level. Table 3.3 of the adopted London Plan (2011) specifies minimum Gross Internal Areas (GIA) for residential units. Paragraph 3.36 of the London Plan (2011) specifies that these are minimum sizes and should be exceeded where possible. The use of these residential unit GIA's as minima is also reiterated in Appendix 1 of the Council's adopted SPD. The apartment would have a GIA of 73sqm which would meet the minimum space standards of The London Plan (2011) in terms of both overall size and kitchen/living and dining space for the potential number of occupiers. It is therefore considered that the proposed caretakers apartment would result in an acceptable quality of accommodation for the future occupiers in accordance with The London Plan (2011), the Mayoral Housing Supplementary Planning Guidance (2012) and the Council's adopted SPD (2010).

In summary, subject to a condition to control hours of operation as well as implementation of an 'event management strategy' to control events at the site which would be secured and monitored by the Local Planning Authority by means of a Section 106 Agreement, the proposed use is considered acceptable in terms of residential amenity. As such, the proposal would accord with policy 7.16 B and 7.15 of The London Plan (2011), and saved policies EP25, D4 and D5 of the Harrow Unitary Development Plan (2004).

### **Traffic and Parking**

The London Plan (2011) policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. Policy T6 of the Harrow Unitary Development Plan (2004) requires new development to address the related travel demand arising from the scheme and policy T13 requires new development to comply with the Council's maximum car parking standards.

As discussed above, one of the key considerations of the use of the building for a community and educational centre is the sites accessibility to public transport. The application site is located in close proximity to Edgware station in Barnet and a plethora of bus services which means that the site is reasonably sustainable in public transport terms and hence exhibits a Public Transport Availability Level (PTAL) of 3. The site is located within a 5-10 minute walk of this train station. It is therefore considered that the site is an appropriate location for a D1/D2 use given the requirements of national, strategic and local planning policies for such facilities to be located in areas that minimise reliance on use of the private car.

Notably, most activities would occur outside of peak traffic times thus minimising overall impacts during these key periods. There are currently 15 car parking spaces on site which can be increased to 22.

The applicant has submitted a comprehensive event management plan (EMP) which aims to minimise impacts on the local highway by co-ordinating internal events. The EMP highlights the available use of Broadwalk car park in Barnet which exhibits a relatively high spare capacity during the day and is within 10 minutes walking distance of the site. It also refers to drop off and pick up of patrons from the address which includes for coach and mini-bus operations. This is welcomed on transport sustainability grounds as it detracts from the use of the private motor car.

These factors coupled with the sustainability of the location together with the stringent parking controls in the area contributes to a travel mode shift away from the private car. As a result neighbouring residents in both Harrow and Barnet are likely to be protected from any parking demand that might occur from the proposed use. The applicants have provided a Travel Plan which outlines short, medium and long term objectives in terms of reducing car trips. The principles and measures outlined in the Travel Plan are considered to be acceptable and it is required that the Travel Plan is adopted prior to full occupation. In order to ensure the successful application, operation and monitoring of the EMP and Travel Plan, this can be secured through a section 106 agreement. In addition, a condition is recommended to ensure that a cap is imposed on maximum occupation of the building in the interests of sustainable travel and in order to contain further expansion which may otherwise tip the balance towards private car use.

30 secure cycle spaces would be provided which exceeds London Plan (2011)

standards and is therefore considered to be acceptable.

In conclusion, the site's accessibility and proximity to local services results in a satisfactory location for a D1 facility. In respect of highway capacity and safety, the level of car trips associated with the proposal use is not predicted to be detrimental due to the 'off- peak' nature of most of the proposed activities and sustainable travel choices available. As such, it is considered there is no foreseeable reason on transport impact grounds to reject the D1 use.

### **Development and Flood Risk and Contaminated Land**

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).

As previously mentioned, the site is within flood zone 2/3a as associated with the adjacent Edgware Brook and is identified as having a medium to high probability of flooding, as shown on maps in LB Harrow Strategic Flood Risk Assessment (SFRA)(2011). Core Policy CS1 (U) states that “development will be managed to achieve an overall reduction in flood risk and increase resilience to floor events.” Policies 5.12 (B) and (C) require proposal to demonstrate that they will remain safe and operational under flood conditions. .

The applicant has submitted a Flood Risk Assessment which meets the requirements of the NPPF. The sequential test has been applied which demonstrates there are no alternative sites suitable for the development, given the local needs of the Shishukunj community. It is considered the exception test has been passed as the proposal would provide wider social sustainability benefits in terms of enhancing the social infrastructure in the area and promoting integration and social interaction. Furthermore, in terms of flood storage the proposal offers an improvement over the existing situation with the removal of the existing workshop on the site. In addition, the proposal also provides the opportunity to improve the surface water drainage regime at the site which is currently uncontrolled. Cellular storage and HydroBrake control would be employed to attenuate surface water and limit run off to a rate of fl/s.

In addition to this, details have been provided in respect of the 1 in 100 year flood event plus climate change flood level. The applicant has employed a sequential approach to site layout to ensure that the less vulnerable areas to flooding are located furthest away from the 1 in 100 year plus 30% climate change flood level. The ground level of the existing building and the proposed extensions would also be 450mm above this flood level. Safe Access and egress routes have also been identified. The application has been referred to the Environment Agency and Local Drainage Authority who are satisfied with the details provided

On the basis of the above factors, it is considered that the applicant has adequately demonstrated that there will be no flood risk associated with the proposed use. The proposal is therefore considered to comply with policy 5.12B/C of the London Plan (2011) and core policy CS1 (U) of the Harrow Core Strategy (2012).

Policy 22 of the Draft Development Management Policies outlines the need for prevention and remediation of contaminated land. Given the historical use of the site as a car show room and associated motor repair workshop there is a potential risk of contaminated land. The applicant has provided a preliminary land contamination risk assessment. The assessment considers the site to have a low potential for contamination and that no further ground investigation is required. This report has also been referred to the Environment Agency who are satisfied with the details and have not requested that any further ground investigation is carried out. In light of the comments from the Environment Agency and conclusions of the assessment, officers are satisfied that the proposed development would pose no risk to future users of the site or the surrounding environment.

### **Accessibility**

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

The building would be made fully inclusive and accessible and would be a significant improvement over the existing situation. Both the main and secondary entrances to the building will have level threshold approaches. Ramps, stairs and platform lifts that are fitted with handrails will overcome stepped level entrances. Wheelchair accessible WCs and a new wheelchair accessible lift to the upper floors. It is considered that the layout, corridor widths and door widths of the building would enable sufficient circulation for Persons with disabilities. Furthermore adequate circulation space would be provided in the caretakers flat and the ensuite and main bathroom could be combined to create a fully wheelchair accessible bathroom if required at a later stage. Overall, the proposal would be acceptable in relation to London Plan (2011) policies 3.1 and 7.2 and saved policy C16 of the Harrow UDP.

### **Sustainability and Biodiversity**

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.

The applicant has provided a sustainability statement which outlines the intention to achieve a BREAAAM standard 'very good'. It is therefore recommended that a planning condition demonstrating compliance with BREAAAM standard of 'very good' is submitted prior to commencement of development. The building will be externally insulated, thereby significantly enhancing its overall thermal performance. Both the existing and proposed flat roofs will be thermally insulated and will have a sedum covering. Other measures will include the use of energy efficient lights and the use of a biomass boiler for heating. Achieving a BREAAAM standard of 'very good' will clearly mean the building will be of sustainable design and construction. Subsequently the proposal is considered to comply with policy 5.3, core policy CS1 T, 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) and saved policy EP26 of the Harrow Unitary Development Plan seeks to ensure development proposals provide site planting and 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. The addition of a green roof would also make a positive contribution in terms of encouraging biodiversity in accordance with saved policy EP26 of HUDP.

### **Sites of Archaeological Importance**

Saved Policy D20 of the Harrow Unitary Development Plan states that “*where development proposals may affect archaeological priority areas, the Council will expect applicants to provide sufficient information to assess the archaeological implications of development and may require an archaeological field evaluation*”.

The site lies within the medieval settlement of Edgware, and archaeological remains from this period have been recovered throughout the area. The proposed development may, therefore, affect remains of archaeological importance. The details of the application have been referred to English Heritage who consider a record should be made of the heritage assets prior to development, in order to enhance understanding of the assets. As such, a condition is recommended to ensure a programme of archaeological investigation is carried out prior to the commencement of development. Subject to this, the proposal would comply with paragraphs 135 and 141 of the NPPF and saved policy D20 of the HUDP (2004).

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

Policy 7.3 of The London Plan seeks to ensure that development proposals address security issues and provide safe and secure environments. Saved policy D4 of the Harrow UDP advises that crime prevention should be integral to the design of a scheme.

The main entrance and exit to the building is located on the main thoroughfare on Edgware High Street and therefore affords natural surveillance from the surrounding buildings and busy road. The rear parking and amenity area is open to public access. It is indicated that the door would be fitted with audio and visual access control panels as well as the installation of intruder alarms. In addition CCTV is proposed as part of the general security for the building. It is therefore considered that the proposal would not pose any undue impact on community safety issues.

### **Consultation Responses**

- None

### **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.

## **CONCLUSION**

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

## **CONDITIONS**

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

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

2 Save where varied by the other planning conditions comprising this planning permission, the development hereby permitted shall be carried out in accordance with the approved plans: Travel Plan with appendices A-C (September 2012) Prepared by Odyssey; Flood Risk Assessment Incorporating Preliminary Surface Water Management Plan – Report No. 11-066-001B – October 2012; Planning, Design and Access Statement, November 2012; Event Management Plan – September 2012; Asset Location Search – Thames Water – Ref: ALS/ALS Standard/2012\_2226571; Sustainable Design Checklist – Supporting Notes, by MAAPS – November 2012; Noise Impact Assessment Report – 7831-NIA-01, prepared by 21 December 2012; Heritage Asset Statement; Phase 1 Ground Condition Assessment Ref: R01/Rev01 – February 2013; 200-P07 Rev A; 200-P08 Rev 0; 200-P09 Rev 0; 200-P06 Rev 0; 200-P04 Rev 0; 200-P05 Rev 0; 200-P03 Rev 0; 200-P01 Rev 0; 200-P02 Rev 0; 200-FP-06 Rev B  
REASON: For the avoidance of doubt and in the interests of proper planning.

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

a: all external materials for the buildings

b: the ground surfacing

c: the boundary treatment

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policies of The London Plan 2011 and policies D4, D11 and D9 of the Harrow Unitary Development Plan 2004).

4 The premises shall only be used for the purpose specified in the application and for no other purpose, including any other purpose in Class D1 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 amenities of neighbouring residents and to ensure that highway safety is not prejudiced in accordance with saved policies EP25 and T13 of the Harrow Unitary Development Plan (2004).

5 The use hereby permitted shall not be open to customers outside of the following

times –

A) 09:00 hours to 22:30 hours, Monday to Friday.

B) 09:00 hours to 24:00 (midnight) Saturday

C) 09:00 hours to 21:30 hours, Sundays and BANK Holidays

without the prior written permission of the Local Planning Authority.

REASON: To safeguard the amenity of neighbouring residents in accordance with saved policies EP25 and D4 of the Harrow Unitary Development Plan (2004).

6 The maximum number of patrons in the premises shall not exceed 400 persons at any time.

REASON: To ensure that the use of the site is not over-intensive and to permit an assessment of patron / staff numbers in the future in the light of the circumstances then prevailing as a measure to ensure that disturbance /disruption or noise to the neighbouring residential properties are kept to a minimum in order to comply with saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents, in accordance with saved policies EP25 and D4 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents in accordance with saved policies EP25 and D4 of the Harrow Unitary Development Plan (2004).

9 Details of the 30 secure cycle parking spaces on the site 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 community/education centre and shall be retained for the duration of the use on the site.

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

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

REASON: To safeguard the amenities of neighbouring residents and to ensure that highway safety is not prejudiced in accordance with saved policies EP25 and T13 of the Harrow Unitary Development Plan (2004).

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

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

12 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).

13 The construction of extensions 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).

14 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 and the necessary construction and design criteria for the development proposals follow approved conditions according to Sewers for Adoption.

15 Before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of BREEAM 'very good or excellent' (or successor), and mechanisms for independent post-construction assessment, shall be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with the National Planning Policy Framework (2012), policies 5.2.B/C/D/E of The London Plan 2011, saved policy D4 of the Harrow Unitary Development Plan 2004 and adopted Supplementary Planning Document – Sustainable Building Design 2009.

16 Prior to the commencement of development, details of the screening to the first floor roof terrace shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site and thereafter retained.

REASON: To prevent overlooking of the users of the adjacent public house garden area and to safeguard the appearance of the locality in accordance with saved policy D4



and D11 of the Harrow Unitary Development Plan (2004).

17 A: No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the local planning authority.

B: No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C: The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

REASON: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the NPPF (2012) and saved policy D20 of the Harrow Unitary Development Plan (2004).

## **INFORMATIVES**

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

The proposed use of the building for community and educational purposes would play a key role in promoting community cohesion, integration and the cultural wellbeing of communities in the London Borough of Harrow in line with the social and sustainability objectives of the NPPF. The proposed extensions and alterations to the building are well considered in terms of design and would make a positive contribution to the character of the area and would also preserve the setting of the adjacent Grade II listed Change of Hart Public House. The building is situated in an appropriate, accessible location for a high intensity use. Subject to the implementation of an Event Management Strategy and adoption of a full Green Travel Plan, secured through a section 106 agreement, the facility would not result in any adverse impacts on the local highway given the good public transport links. The proposal is not located within a residential area and is considered not to result in any unreasonable adverse impacts on the residential amenities of the closest neighbouring residential properties and any associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions. Overall the development would therefore not have any significant visual, transport or other impacts that would warrant refusal of Planning permission. The decision to GRANT planning permission has been taken having regard to the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012, the saved policies of the Harrow Unitary Development Plan 2004 and the National Planning Policy Framework as well as to all relevant material considerations, including site circumstances and comments received in response to publicity and consultation.

The following policies are relevant to this decision:

#### **National Planning Policy Framework (2012)**

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

- 3.1 Ensuring Equal Life Chances For All
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice

3.9 Mixed and balanced communities  
3.16 Protection and Enhancement of Social Infrastructure  
3.18 Education Facilities  
4.12 Improving Opportunities for All  
4.5 London's Visitor Infrastructure  
4.6 Support for and Enhancement of the Arts, Culture, Sport and Entertainment Provision  
5.2 Minimising Carbon Dioxide Emissions  
5.3 Sustainable Design and Construction  
5.10 Urban Greening  
5.11 Green roofs and development site environs  
5.12 Flood Risk Management  
5.13 Sustainable Drainage  
5.21 Contaminated Land  
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  
7.8 Heritage Assets and Archaeology  
7.15 Reducing Noise and Enhancing Soundscapes  
8.2 Planning Obligations

**Harrow Core Strategy (2012)**

Core Policy CS1 (B), (D) (U)

Core Policy CS 8 – Edgware and Burnt Oak

**London Borough of Harrow and Unitary Development Plan (2004)**

SR2 Arts, Entertainment, Tourist and Recreational Activities  
D4 Standard of Design and Layout  
D5 New Residential Development – Amenity Space and Privacy  
D11 Statutorily Listed Buildings  
D20 Sites of Archaeological Importance  
D25 Shopfronts and Advertisements  
D30 Public Art and Design  
H10 Maintenance and Improvement to Existing Housing Stock  
T6 The Transport Impact of Development Proposals  
T13 Parking Standards  
C2 Provision of Social and Community Facilities  
C7 New Education Facilities  
C10 Community Buildings and Places of Worship  
C11 Ethnic Communities  
C16 Access to Building and Public Spaces  
EM25 Food Drink and Late Night Uses  
EP25 Noise  
EP12 Control of Surface Water Run Off

### **Supplementary Planning Documents / Guidance:**

Housing Supplementary Planning Guidance (2012)  
Supplementary Planning Document – Residential Design Guide (2010)  
Supplementary Planning Document - Accessible Homes (2010)  
Access For All Supplementary Planning Document (2006)  
Harrow Strategic Flood Risk Assessment (2011)  
Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008).  
Supplementary Planning Document – Sustainable Building Design (2009)  
LB Strategic Flood Risk Assessment (2011).

### **Draft Development Management Policies (2012)**

Policy 1 Achieving a High Standard of Development  
Policy 2 Achieving Lifetime Neighbourhoods  
Policy 7 Heritage Assets  
Policy 10 Listed Buildings  
Policy 13 Archaeology  
Policy 16 Managing Flood Risk  
Policy 17 On Site Water Management and Surface Water Attenuation  
Policy 19 Sustainable Design and Layout  
Policy 22 Prevention and Remediation of Contaminated Land  
Policy 30 Trees and Landscaping  
Policy 32 Housing Mix  
Policy 33 Office Conversions  
Policy 35 Amenity Space  
Policy 53 Parking Standards  
Policy 56 Waste Management  
Policy 57 New Community, Sport and Educational Facilities  
Policy 61 Planning Obligations

### **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 THE PARTY WALL ETC. ACT 1996**

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

#### 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

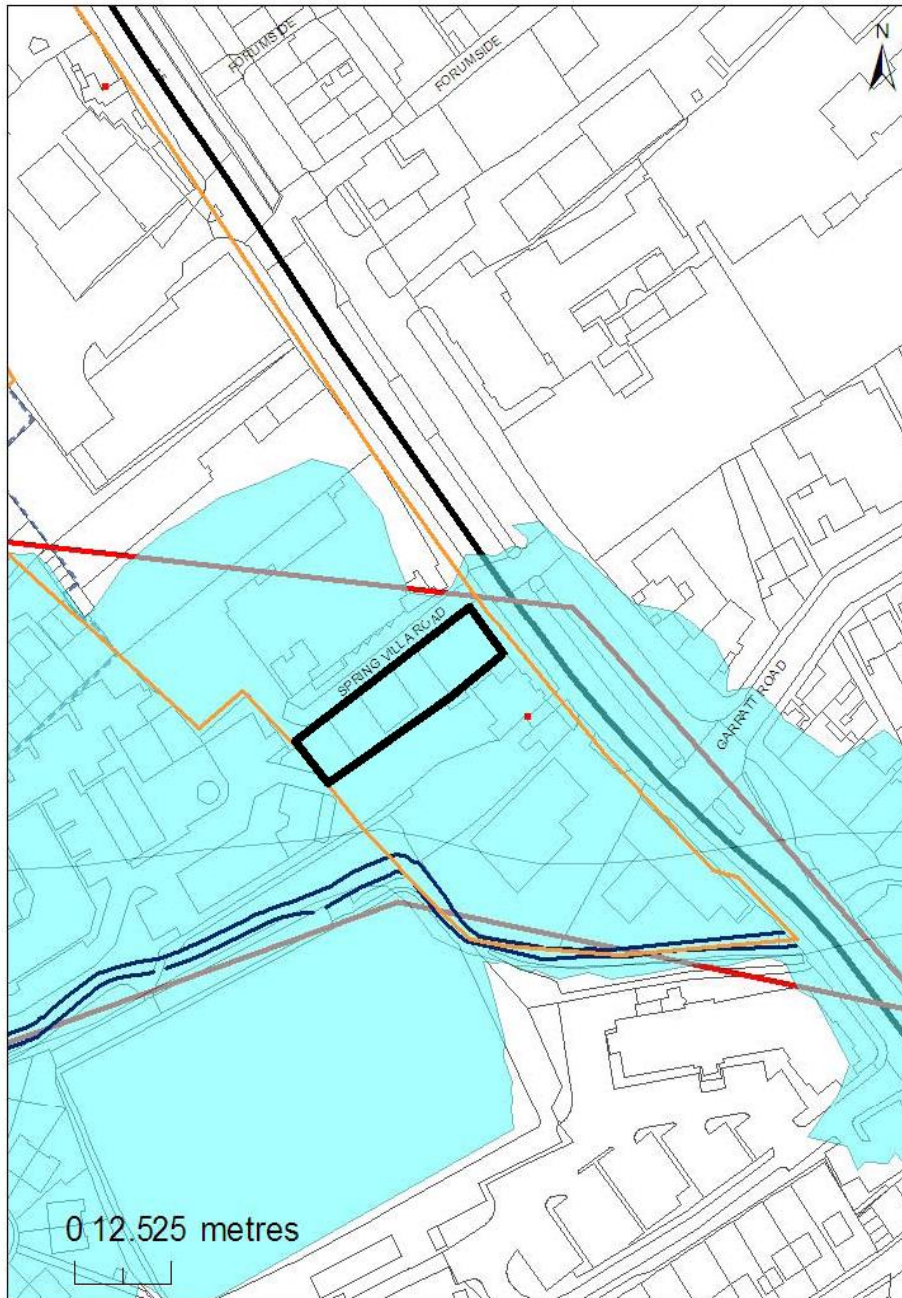
Grant with pre-application advice

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: Travel Plan with appendices A-C (September 2012) Prepared by Odyssey; Flood Risk Assessment Incorporating Preliminary Surface Water Management Plan – Report No. 11-066-001B – October 2012; Planning, Design and Access Statement, November 2012; Event Management Plan – September 2012; Asset Location Search – Thames Water – Ref: ALS/ALS Standard/2012\_2226571; Sustainable Design Checklist – Supporting Notes, by MAAPS – November 2012; Noise Impact Assessment Report – 7831-NIA-01, prepared by 21 December 2012; Heritage Asset Statement; Phase 1 Ground Condition Assessment Ref: R01/Rev01 – February 2013; 200-P07 Rev A; 200-P08 Rev 0; 200-P09 Rev 0; 200-P06 Rev 0; 200-P04 Rev 0; 200-P05 Rev 0; 200-P03 Rev 0; 200-P01 Rev 0; 200-P02 Rev 0; 200-FP-06 Rev B

**25-27 HIGH STREET, EDGWARE**



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Item No. 2/08  
Address: 24 HIGH STREET, PINNER  
Reference: P/0393/13  
Description: CHANGE OF USE OF GROUND AND FIRST FLOORS FROM FLOWER SHOP (USE CLASS A1) TO A GROOMING PARLOUR AND ASSOCIATED SERVICES INCLUDING SALE OF CANINE ACCESSORIES (SUI GENERIS)  
Ward: PINNER  
Applicant: MR ANDREW JAYE  
Agent: PSD ARCHITECTS  
Case Officer: VICTOR UNUIGBE  
Expiry Date: 29/04/2013

## **RECOMMENDATION**

**GRANT** planning permission subject to conditions:

### **REASON**

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

The proposed change of use would not adversely impact on the economic viability, vitality, vibrancy and the employment offer of the area given the particular circumstances of the application site. Furthermore the site is located within the Pinner District Centre, and the proposed use would be an appropriate Town Centre use. Subject to conditions, the development would not adversely impact upon neighbouring amenities or highway safety and convenience.

### **INFORMATION**

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

Statutory Return Type: E(20) Change of Use

Council Interest: None

Gross Floorspace: 76.22 sq.m

Net additional Floorspace: 0 sq.m

GLA Community Infrastructure Levy (CIL) Contribution (provisional): The proposed change of use will not attract a CIL charge, as the proposal does not incorporate the

creation of any new dwellings or 100 sq.m or more of new floorspace.

### **Site Description**

- The application site is located on the southern side of High Street, Pinner.
- The site consists of a property, which is one of two attached two-storey properties joined with another pair of two-storey buildings within a shopping parade. The properties have hipped roofs and timber-framed shopfronts and openings.
- The site property has flat-roofed extensions at ground floor level, and has a purple coloured timber-framed shopfront. The property is currently vacant and was last used as a Class A1 flower shop with ancillary first floor.
- The site property is not locally or statutorily listed, but it is within the setting of Grade II Listed buildings at attached No.22 (to the west) and unattached No.26 (to the east)
- The site is within the Pinner District Centre and is a designated primary shopping frontage in the Centre. The site is also within Pinner High Street Conservation Area.
- The immediate neighbouring commercial properties at Nos.16, 18, 20, 22 and 26 are in use as Class A1 Jewellers, Class A1 Caterers, Class A1 Hairdresser, Class A1 Hearing Aid Shop and Class A1 Wallpaper/Curtains Shop respectively.

### **Proposal Details**

- The proposal is for the change of use of the property from flower shop (Use Class A1) to a canine grooming parlour with associated sale of accessories (Sui Generis).
- The ground floor would have a retained 'front of house' retail shop, while the rear would be reconfigured to form a grooming room, washing and waiting areas. The sale of canine accessories would be carried out in the front retail shop.
- The first floor would be reconfigured to form a puppy day care and staff room.
- No changes are proposed to the external appearance of the property. Listed building consent has however been sought for proposed internal decorative and modification works.
- The applicant has provided email confirmation that the proposed hours of use would be 09:00 – 18:00 Mondays to Saturdays and 11:00 to 16:00 Sundays. There would be no openings on Bank Holidays.

### **Revisions to Previous Application**

- N/A

### **Relevant History**

P/0636/13

Listed building consent: internal alterations including demolition of internal walls.

The application is expected to be determined by the latest date of 10/06/2013. If the application has been determined by the date of this meeting, the decision will be reported via the addendum.

WEST/238/96/LBC

Listed building consent: externally illuminated fascia and hanging signs

Granted – 08/07/1996

WEST/200/96/LBC

Listed building consent: removal of glazed partition and framing and provision of wc in rear of building

Granted – 23/05/1996

WEST/509/95/LBC

Listed building consent: formation of internal wc and shower facility

Granted – 21/11/1995

### **Applicant's Design and Access Statement**

- The proposed use will have no impact on any of the buildings facades and should be a successful and seamless integration into the streetscene.
- External access and egress will remain as existing.
- Refuse and recycling facilities for the shop will remain in the same location.
- The rear garden area is to remain as existing.
- No parking spaces are to be provided given this is a Town centre location.
- The proposal brings new variety to the High Street and will find a large market and strong customer base at the application location. The proposal will result in a successful integration within the High Street thereby providing the local community with a new facility and ensuring the viability, use and maintenance of the shop unit for the future.

### **Consultations**

Highways Authority: There is no objection to the proposal as the principle of the change of use from Class A1 to Sui Generis 'grooming parlour' use does not raise any specific concerns. As this proposed use complements the existing shopping facilities in this parade and given the activities associated with the closeness of the user profiles, some of the new business generated is likely to be incidental to the already existing shopping activities, hence creating little variance in current demands and activities. This naturally reduces additional patronage by the private motor car to the area. This is coupled with the relatively small scale of the proposal with some on-street parking availability and good bus/train service links at this location. Given the small gross floor area, only one secure cycle space should be provided in line with The London Plan 2011 standards, if physically possible.

Conservation Areas Advisory Committee (CAAC): The property is a Listed building, which contains many historic elements such as an 1880's fireplace. A condition should be included to any decision for the preservation of the elements.

The Pinner Association: No response received.

### **Advertisement**

Character of a Conservation Area: Expiry: 11/04/2013

Site Notice Expiry: 10/04/2013.

Departure from the Development Plan: Expiry: 16/05/2013

Site Notice Expiry: 15/05/2013.

No responses.

### **Notifications**

Sent: 5

Replies: 0

Expiry: 09/04/2013.

### **Addresses Consulted**

High Street, Pinner: 22, 22A, 24, 26, 26A.



## Summary of Responses

- None.

## APPRAISAL

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

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

The Government has issued the National Planning Policy Framework (NPPF) (2012) which consolidates national planning policy and is a material consideration in the determination of this application.

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

While this application has been principally considered against the saved policies of HUDP, regard has also been had to relevant policies in the Development Management Policies DPD, which forms a part of the emerging Local Development Framework for the Borough and will eventually replace the HUDP 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 was sent to the Secretary of State for Examination in Public, which was held in January 2013. Prior to this, a 4 week consultation was carried out between 11 October 2012 and 8 November 2012 on the Council's Proposed Minor Modifications to the DPD as a response to representations received as a result of the Pre-submission Consultation.

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.

The emerging Local Plan policies in the DM Policies, AAP and Site Allocations are at a very advanced state of preparation, and in line with NPPF paragraph 216, can be afforded substantial weight. There are no real substantive unresolved issues with regards to any of the policies in any of the documents.

## MAIN CONSIDERATIONS

### Principle of the Development

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

The National Planning Policy Framework [NPPF] sets out a strategy to provide for

sustainable development and considers that ensuring the vitality of town centres is a key tenet in securing sustainable development. Town centres should be recognised as the heart of communities and policies should be pursued which ensure their viability and vitality, thereby ensuring competitiveness and customer choice.

The Harrow Core Strategy recognises Pinner village as a large district centre with a convenience and some comparison retail offer as well as non-retail services. The centre benefits from a good quality environment and relatively low levels of vacancy, thereby fulfilling an important local function in terms of retail, transport and service provision. Policy CS6 of the Core Strategy seeks opportunities to enhance the environment of Pinner High Street in accordance with the Conservation Area's management strategy.

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

The policy gives further advice that non Class A uses will not normally be permitted in primary frontages.

Policy DM 36 of the emerging DPD also places a restriction of 25% for the length of primary frontage in non-retail use. However, the DPD recognises the need for flexibility in terms of the contribution individual proposals may make to centre vitality and viability.

#### EM16 (HUDP) – Criteria (a)

The application property is presently vacant, and the applicant has not specified how long the property has been vacant as a Class A1 retail unit, or provided any information to demonstrate how long the property may have been continuously marketed for Class A1 retail purposes. The property occupies a prominent location in the retail core of the District Centre and the proposal would result in the loss of a Class A1 retail unit in a core area where retailing is expected to be the overwhelming use.

However, even though the proposal as a whole would not constitute a Class A1 or Class A use, it is considered that it would provide services that are commonly used in association with shopping trips. As stated above, the ground floor 'front of house' retail floorspace would be retained, and it is considered that the floorspace would provide an adequate area for the sale of canine-related products. It is therefore considered that an effective retail frontage with a similar appearance to shops would be maintained, and that the proposed use as a whole would complement an A1 use. The applicant has indicated in the Design and Access statement that there would be a significant customer base in the locality, and it is considered that the proposal would provide a service that is directly related to a shopping trip. The proposal would help in generating footfall and retaining associated economic activity that would result in improved economic vitality, vibrancy and viability of the district centre. Given that the property's frontage addresses the High Street, which is a major thoroughfare, it is considered that the proposed use would result

in the property having a resumed active and attractive shopping frontage.

The applicant has proposed a total employment of five employees, which is likely to result in an associated flow of traffic and effect on neighbouring retail and mixed commercial units in the centre with advantageous economic benefits. It is therefore considered that the proposed use would make a positive contribution to the diversity of uses, and complement and support the core retail function of the district centre.

It is recommended that a condition should be included to ensure the retention and use of the proposed retail floorspace area as shown on the associated drawing plans.

#### EM16 – Criteria (b)

The percentage of total primary shopping frontage in non-retail use in Pinner District Centre as of June 2012 was 34.85%, which already exceeds the specified maximum of 25% for primary frontage in non-retail use in the district centre as required by Policy EM16. The loss of the application property as Class A1 would further increase the non-retail frontage percentage from 34.85 to a total of 35.3%. As such the proposal would not comply with criteria (b) of policy EM16.

However, the quantitative measure outlined in policy EM16 needs to be considered in the light of the National Planning Policy Framework, which requires, at paragraphs 18-22, local authorities to plan for building a strong, competitive economy and, at paragraphs 23-27, to seek to ensure the vitality of town centres. Even though there is a relatively low vacancy rate of 5.5% for uses in the primary shopping frontage (as of June 2012), the non-compliance with criteria (b) is not considered sufficient to warrant refusal of the application, given the considerations of the merits of the proposal as discussed in criteria (a) above. As outlined below, the proposal accords with the other criteria (c, d and e) of policy EM16.

#### EM16 – Criteria (c)

The proposed use would not result in a harmful concentration of non-retail uses in the host shopping parade and primary frontage. As outlined above in the 'Site Description' section, the neighbouring properties in the host parade (Nos.16 to 22) and immediate unattached property at No.26 are all in current Class A1 usage. Given that uses in the host parade will still be restricted to mainly Class A1 uses, the proposal would not result in any clusters of non-retail uses in the parade. It is considered that the contribution of the proposed use towards maintaining the vitality and vibrancy of the district centre outweighs the loss of the application property as a Class A1 retail unit. It is also instructive to note that the Council has not received any responses or objections as a result of consultation for this application.

#### EM16 – Criteria (d and e)

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

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

Saved policies D4, D14 and D15 of the HUDP (2004) requires all new development and alterations and extensions in conservation areas 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, 7.6.B and 7.8C/D/E of The London Plan 2011 and policy CS1.B of the Harrow Core Strategy 2012, which seek to ensure that development respects local character, enhances the public realm and protect heritage assets. The NPPF also sets out similar aims and objectives.

The change of use of the property would not involve any external alterations, and the applicant has proposed to retain the existing display window and shopfront, which is considered appropriate to the district centre. It is also considered that the retention of the shopfront display window would ensure the preservation of the external character of the building, as well as the character and appearance of the Conservation Area. Whilst retail use would be preferable since it is part of the vitality of the area, the proposed use would be beneficial at this stage by putting the building back in use, which would add to the vitality of the Conservation Area and ongoing maintenance of the Listed Building. It is also considered that the use profile of the proposed use in terms of generating custom would not differ significantly from that generated and linked to the existing Class A1 retail use.

It is recommended that a condition should be included to ensure the retention of the existing shopfront display window.

With regards to the concerns expressed in the 'Consultations' section about the need to preserve the historic elements inside the property, the proposed internal decorative and modification works are subject of a current application for Listed Building consent.

Given the above considerations, it is therefore considered that the proposed change of use would preserve the character and appearance of the Conservation Area, and would therefore accord with the NPPF, policies 7.4.B, 7.6.B and 7.8C/D/E of The London Plan 2011, policies CS1 and CS6 of The Harrow Core Strategy (2012), saved policies D4, D14 and D15 of the HUDP (2004) and Policies DM 1 and 7 of the emerging DPD.

## **Refuse Storage**

The applicant has submitted that the use profile of the proposed use would not result in any changes to the existing refuse storage arrangements at the rear of the application. The applicant has proposed on associated plans that the existing refuse and recycling storage arrangements within an enclosure in the rear garden will remain the same for the proposed change of use. It is considered that the rear garden is adequately sized to accommodate any additional refuse storage capacity, and help ensure that no refuse or waste bins are stored at the frontage of the property or parade, or on the adjoining public footpath.

The applicant has not demonstrated any existing servicing arrangements for the existing or proposed uses on the site. However, it is considered that the rear garden is adequately sized to incorporate any future proposed servicing requirements. Given the existing rear location of the storage area, it is therefore considered that there would be no clutter of related furniture at the frontage of the property, and no resulting adverse impact on the character and appearance of the surrounding conservation area, thereby according with the NPPF, policies 7.4.B, 7.6.B and 7.8C/D/E of The London Plan 2011, policies CS1 and

CS6 of The Harrow Core Strategy (2012), saved policies D4, D14 and D15 of the HUDP (2004) and Policies DM 1 and 7 of the emerging DPD.

### **Residential Amenity**

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

The proposed hours of use are considered acceptable. It is considered that the hours of closing (1800 and 1600 hours) are reasonable social hours for visitors and employees alike to disperse. Also, the NPPF gives advice that the hours people would normally have their periods of rest and sleep is between 2300 and 0700 hours, so it is considered that the proposed hours are adequate to mitigate any impact of disturbance to a reasonable degree.

Subject to the inclusion of a condition restricting the hours of operation to what the applicant has proposed, the proposed change of use would therefore accord with Policy 7.15.B of The London Plan 2011 and saved Policy EP25 of the HUDP (2004).

### **Traffic and Parking, Accessibility**

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

It is considered that the proposal would maintain little variance in current demands and activities in the district centre, thereby naturally discouraging any potential additional patronage to the area by private motor car. This factor coupled with the scale of the proposal and, as previously mentioned, the high public transport sustainability of the location with its proximity to Pinner Underground Station and bus lanes/corridors on Marsh Road and Bridge Street, which are Borough Distributor Roads, would ensure that the proposed change of use would not result in any adverse effects on either the traffic or parking provisions within the area. There is controlled public car parking on and adjacent to the High Street, so the application site is therefore able to be well serviced by foot and vehicular traffic from the District Centre's core shopping area. The proposal would be contained within the site, so it would not result in any obstruction of the services access or adjoining public footpaths, and as such, not have any undue impact on highway/pedestrian safety and convenience.

With regards to inclusive accessibility, there is no existing ramped level access directly in front of the ground floor entrance. The ground floor entrance is stepped, but it is not sufficient reason to warrant refusal, as the opening width of the entrance door complies with standards specified in the Council's adopted SPD: Access for All 2006.

The applicant has not demonstrated any provision of a secure cycle storage space within the property. However, it is considered that there is adequate capacity within the rear garden for the provision of a secure cycle storage space.

Given the above, and subject to the inclusion of a condition requiring the submission of a detailed scheme for the provision of one secure cycle storage space, the proposal would accord with policy 6.13 of The London Plan 2011 and saved policy T13 of the HUDP (2004) and the Council's adopted SPD: Access for All 2006.

### **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 does not raise any equality implications.

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

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

### **Consultation Responses**

None.

### **CONCLUSION**

The proposed change of use would not adversely impact on the economic viability, vitality, vibrancy and the employment offer of the area given the particular circumstances of the application site. Furthermore the site is located within Pinner District Centre where such a use is considered to be appropriate. The benefits accruing from the proposed change of use would outweigh the harm caused by the loss of a Use Class A1 retail unit, and subject to conditions, the development would not adversely impact upon neighbouring amenities or highway safety and convenience.

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

### **CONDITIONS**

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

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

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

PA1001; PA1002; PA1003; PA1004; PA1005; PA1006; PA1007; PA1008; Design and Access Statement; Applicant's email dated 07/05/2013

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

3 The use hereby approved shall not commence until a detailed scheme for the provision

of one secure cycle storage space has been submitted to and approved in writing by the local planning authority.

REASON: In the interests of the amenities of host occupiers, in accordance with saved Policies D4, D11, D14, D15 and T13 of the Harrow Unitary Development Plan (2004).

4 The front retail area on the ground floor of the application property shall be provided as shown on drawing plan with number PA1003 (proposed ground floor plan), and shall be retained as such thereafter.

REASON: To safeguard the character and viability of the shopping parade, as required by saved policy EM16 of the Harrow Unitary Development Plan (2004).

5 The existing shopfront display window of the application property shall be retained as part of the use hereby approved, and as such thereafter.

REASON: To safeguard the character and viability of the shopping parade, and appearance of the Pinner High Street Conservation Area, as required by saved policies D4, D11, D14, D15 and EM16 of the Harrow Unitary Development Plan (2004).

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

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

b: 1100 hours to 1600 hours on Sundays,

without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality, to safeguard the character and viability of the shopping parade and in the interests of highway safety, as required by saved policies EM16, D4 and EP25 of the Harrow Unitary Development Plan (2004).

## **INFORMATIVES**

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

The proposed change of use would not adversely impact on the economic viability, vitality, vibrancy and the employment offer of the area given the particular circumstances of the application site. Furthermore the site is located within the Pinner District Centre, and the proposed use would be an appropriate Town Centre use. Subject to conditions, the development would not adversely impact upon neighbouring amenities or highway safety and convenience.

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation.

### **National Planning Policy Framework (2012)**

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

2.7 – Outer London: economy

2.15C – Town Centres

4.1 – Developing London's Economy

4.7B – Retail and Town Centre Development

4.8B – Supporting a Successful and Diverse Retail Sector

7.2C – An Inclusive Environment

7.3B – Designing Out Crime

7.4B – Local Character

7.5B – Public Realm

7.6B – Architecture  
7.8C/D – Heritage Assets and Archaeology

**Harrow Core Strategy (2012):**

Core Policy CS1 (B, E)  
Core Policy CS6 (A, B, F)

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

D4 – The Standard of Design and Layout  
D7 – Design in Retail Areas and Town Centres  
D11 – Statutorily Listed Buildings  
D14 – Conservation Areas  
D15 – Extensions and Alterations in Conservation Areas  
EP25 – Noise  
T6 – The Transport Impacts of Development Proposals  
T15 – Servicing of New Developments  
EM16 – Change of Use of Shops – Primary Shopping Frontages  
EM24 – Town Centre Environment  
C17 – Access to Leisure, Recreation, Community and Retail Facilities

Development Management Policies: Development Plan Document: Policy 1, 4, 7, 36.

Pinner High Street Conservation Area Appraisal and Management Strategy (2009)

Supplementary Planning Document: Access for All (2006)

2 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.

**3 CONSIDERATE CONTRACTOR CODE OF PRACTICE**

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

**4 PARTY WALL ACT:**

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

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

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

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



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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

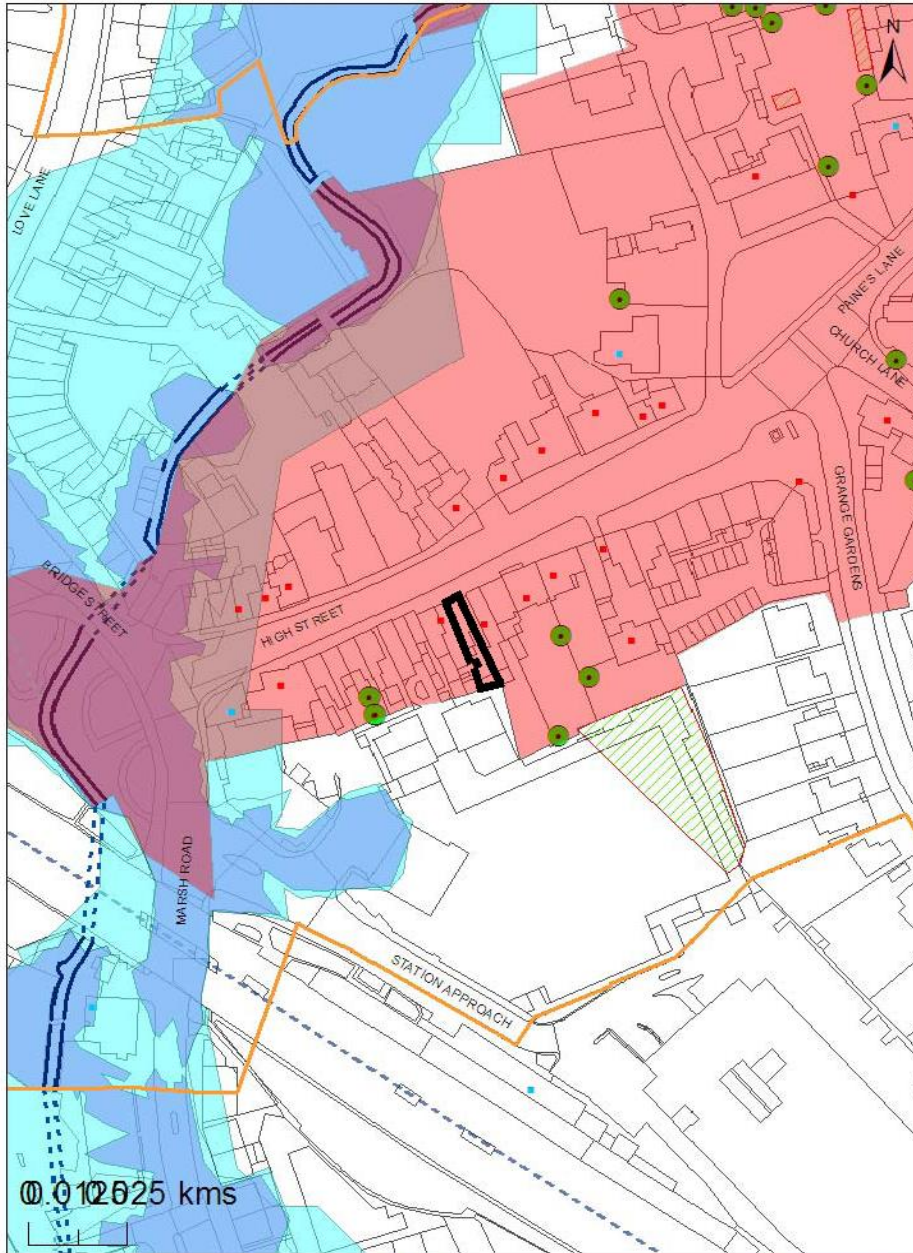
E-mail: [communities@twoten.com](mailto:communities@twoten.com)

#### 5 CYCLE STORAGE:

The applicant is advised that Listed Building consent will be required if a cycle storage scheme (as required by Condition 3 of this decision) incorporates an attachment of any enclosure to the internal and external walls of the application building.

Plan Nos: PA1001; PA1002; PA1003; PA1004; PA1005; PA1006; PA1007; PA1008;  
Design and Access Statement; Applicant's email dated 07/05/2013.

## 24 HIGH STREET, PINNER



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Item No. 2/09

Address: 19 - 25 BUCKINGHAM ROAD, EDGWARE

Reference: P/0370/13

Description: CHANGE OF USE FROM OFFICES TO CHILDRENS NURSERY AND EDUCATIONAL CENTRE; TWO STOREY SIDE TO REAR EXTENSION; PROVISION OF PARKING LANDSCAPING AND REFUSE STORAGE; TIMBER CANOPY OVER PLAY AREA AND EXTERNAL ALTERATIONS; FRONT SLIDING GATE ADJACENT TO EASTERN BOUNDARY AND RELOCATION OF EXISTING CROSSOVER

Ward: EDGWARE

Applicant: MR ALI AL-KATEB

Agent: HOWARD FAIRBAIRN MHK

Case Officer: NICOLA RANKIN

Expiry Date: 03-MAY-2013

## **RECOMMENDATION**

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

## **REASON**

The proposed use of the building as a nursery and tutorial centre would provide a good community facility within a redundant office building, enhancing the social infrastructure in the area. Subject to conditions, including restriction of opening hours and use of the outdoor space as well as a scheme to provide staggered vehicle pick up and drop off times, the proposal is considered not to result in any unreasonable adverse impacts on the residential amenities of the neighbouring residential properties. The design, siting and appearance of the extension is considered to meet the requirements for good design contained within the adopted development plan and the NPPF (2012). Overall, on balance the development would therefore not have any significant visual, transport or other impacts that would warrant refusal of Planning permission. The decision to GRANT planning permission has been taken having regard to the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012, the saved policies of the Harrow Unitary Development Plan 2004 and the National Planning Policy Framework as well as to all relevant material considerations, including site circumstances and comments received in response to publicity and consultation.

## **INFORMATION**

The application is reported to the Planning Committee because the proposed change of use would relate to an area of floorspace greater than 400m<sup>2</sup>. It would therefore fall outside of category 1(f) of the Scheme of Delegation.

Statutory Return Type: E20 Change of Use

Council Interest: None

Gross Floorspace: 823sqm

Net additional Floorspace: n/a

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £28,805

### Site Description

- The application site comprises a two storey office building with a single storey rear projection on the north western side of Buckingham Road.
- The existing building has a tiled hipped roof and the external surfaces are comprised of brick and timber.
- There is a 10 space parking area beyond the northern flank wall, adjacent to No. 17Buckingham Road.
- The ground floor is comprised of offices and a conference room and the first floor is also comprised as offices. The property is currently vacant and was previously occupied by Harrow Council Social Services.
- The rear and sides of the site are bounded by 1.8 metre close boarded fencing. The front of the site is bounded by a low rise brick wall.
- The properties surrounding the site and those opposite are two storey semi detached dwellinghouses.

### Proposal Details

- The application proposes a change of use of the ground and first floor from offices (Class B1) to a nursery and education/tutorial centre (Class D1).
- The proposal would also involve a two storey side to rear extension to the north eastern flank wall of the building. Other external alterations include the provision of a parking area, cycle store, landscaping and refuse and recycling facilities.
- The proposed two storey side to rear extension would have a width of 6 and a depth of 13.4 metres. The first floor side to rear element would be finished with a pitched hipped roof that would be set down below the main ridge line.
- The proposed children's nursery would cater for children ages 2-5 and would be on the ground floor of the building. The proposed education centre would cater for children aged 11-16 and would be located primarily on the first floor of the building. There would be some shared space between the education centre and nursery including the reception, office, administration area, toilet kitchen and dining area.
- The proposed first floor side extension would provide space for an activity room which is also intended to be shared between the educational centre and nursery at different times.
- It is proposed that the building would accommodate a total maximum of 60 children and 15 staff at any one time in both the nursery and education centre.
- A playing area is proposed on the north western side of the site, consisting of a patio and covered terrace. A garden area would be sited around the playing area.
- Landscaping and planting would be provided around the perimeter of the site
- Refuse and recycling facilities would be provided towards the front eastern corner of the site.
- It is proposed to construct a timber acoustic fence, 1.8 metres high, around the perimeter of the site.
- A steel sliding gate is proposed towards the front eastern side of the site. The steel sliding gate would be set back 5.46 metres from the front boundary of the site and would have a height of 1.8 metres.

- The existing vehicle crossing would be relocated closer towards the eastern boundary of the site.

### **Relevant History**

P/811/03/CLA – Two Storey side extension and change of use from offices to 60 place community resource centre (Class B1 to D1)

Granted : 05.06.2003

P/1266/12 Change Of Use From Offices To Children’s Nursery And Educational Centre; Two Storey Side To Rear Extension; Provision Of Parking Landscaping And Refuse Storage; Timber Canopy Over Play Area And External Alterations; Front boundary wall

Refused : 05.07.2012

### **Reasons for Refusal:**

1. The proposed play area, by reason of its siting close to 27 and 29 Buckingham Road and in the absence of any supporting details for the management and use of the play area, would have the potential to give rise to undue disturbance, general activity and a loss of privacy to the occupiers of these properties, contrary to saved policies EP25 and D4 of the Harrow Unitary Development Plan (2004).

2. The proposed two storey side to rear extension, by reason of unacceptable design and the proposed front brick wall, by reason of excessive height, would result in an incongruous extension of the building and would be out of character with the surrounding area, to the detriment of the character and appearance of the existing building and the surrounding street scene, contrary to policy 7.4 (B) of The London Plan (2011), core policy CS 1(B) of the Harrow Core Strategy (2012) and saved policy D4 of the Harrow Unitary Development Plan (2004).

3. The proposed fire escape staircase in conjunction with the two storey side to rear extension, by reason of its siting to the south of No. 17 Buckingham Road, would be unduly obtrusive and overbearing and would result in a loss of outlook to the detriment of the residential amenities of the adjacent neighbouring occupier, contrary to saved policy 7.6 (B) of The London plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004).

P/2478/12 Change of use from offices to children’s nursery and educational centre; two storey side to rear extension; provision of parking landscaping and refuse storage; timber canopy over play area and external alterations; front sliding gate adjacent to eastern boundary and relocation of existing crossover (revised application)

Refused : 09-11-2013

### **Reason for Refusal:**

1. The proposed vehicle access would result in potential loss of a street tree which makes a positive contribution to the amenity of the area, contrary to policy 7.12 of The London plan (2011) and saved policy D10 of the Harrow Unitary Development Plan (2004).

### **Amendments since previous planning application P/2478/12**

- The width of the vehicle crossing has been amended so that it would not impact on the adjacent street tree.

### **Pre-Application Discussion (Ref. HA\2012\ENQ\00067)**

#### **Summary:**

- The principal of acceptability of the change of use is largely governed by saved

policy EM15 of the Harrow UDP. During the meeting, the applicant was advised that the submission of any future application should clearly demonstrate how criteria A to G of policy EM15 would be met.

- In order to support compliance with this policy, it was suggested that the applicant provide further details on how the proposed D1 use would result in employment opportunities as well as providing further details on current employment land in the Borough which would support the loss of B1. It was highlighted that the Council has current relevant data on employment land available to download from the Harrow Council Web Page including Available Business premises (March 2011) and London Borough of Harrow Employment Land Review (November 2010).
- Some concerns were raised in relation to meeting criteria C (the site has been extensively marketed) and criteria D (the site has been vacant for a considerable length of time). It was highlighted that the applicant should provide a reasoned justification of why it was not possible to meet these points and the application would be judged with regard to the applicant's evidence regarding supply-demand, the applications compliance with Core Strategy Policy CS 1(O), and other material considerations (such as contributing to London Plan objectives), in reaching an overall planning judgement.
- With regard to the proposed extensions, it is considered that the proposed two storey side extension should be reduced in width and is not an appropriate scale to the width of the original building, particularly when viewed in the context of the wider street scene.
- It is noted that the proposed use, is largely for indoor activities, with a small external amenity area on the western side of the site. Nevertheless, it is considered that a management strategy would need to be provided as part of any future application which would outline how both the internal/external spaces and comings/goings of people would be controlled and managed to prevent adverse impacts on the amenities of the neighbouring residents, particularly at unsocial hours.
- It is recommended that there is a staggered approach to dropping off & pick up in order to prevent congestion on the Highway. It is recommended that the on-site parking provision is maximised in order to minimise displacement onto Buckingham Road which has little if any spare capacity to accommodate such an event.
- Further details should be provided in relation to the accessibility of the building in line with the requirements of The London Plan (2011), the Harrow UDP and the Council's SPD: Access for All (2006).

### **Applicant Submission Documents**

#### Design and Access Statement (Summary)

- The proposed development will provide a children's nursery for children aged 2-5 and an educational centre for children aged 11-16. Local demand for nursery and educational services is high. The proposed nursery and educational centre will provide a valuable asset to the local community through the economic use of the disused site.
- The nursery and educational centre are to be operated by a charitable, not for profit organization for community use.
- The green edge to the site is to be developed through planting to provide a more attractive garden space, particularly at the rear for use by the children.
- The surrounding acoustic timber fence will give privacy and provide sound reduction to the neighbours.
- Gates to the garden perimeter fencing will be lockable to provide for security at the site.

- The proposed extension would reflect the style of the existing building.
- Vehicular access would be provided via a relocated crossover.
- On site parking, cycle and refuse storage are to be provided within the existing parking area.

#### Planning Statement (Summary)

- The office building is set within an established residential area and a community centre is considered to be a far more appropriate use in this location. There are many office buildings in Harrow in more appropriate locations that are empty and available than this building in Buckingham Road.
- A change of use to D1 will generate employment opportunities, make good use of a redundant office building and provide services to the local community.
- The intention is that the services will be provided on a membership basis which will enable the operator to manage the facility in a professional way and avoid any nuisance.

#### Operational Management Statement (Summary)

- The outdoor play area will be supervised by a minimum of 3 staff during outdoor activity sessions. A maximum number of 10 children will play outdoors at any one time. Playtimes will be staggered and noisy outdoor activities will be discouraged.
- Children who travel as car passengers will be dropped off or collected within the site boundary in the area designated within the rear car park.
- Drop off and pick up times will be staggered.

#### Consultations:

**Highways Authority:** There is no sustainable objection; however a staggered approach to drop off/pick up needs to be agreed.

**Landscape Architect:** No Objection, subject to conditions

**Policy Officer:** Community use would be appropriate; however policy EM15 needs to be addressed.

**Vehicle Crossing Officer/Arboricultural Officer:** The extension to the existing crossing is acceptable.

#### Canons Park Residents Association:

- It is accepted that community facilities can be provided in this ex social services building. However, the proposed opening hours seven days a week seems excessive and will have an impact on the surrounding area in terms of people and cars coming and going throughout the day and evenings.
- There seems to be an over-intensive use of the building of all ages, accommodating 60 people at one time, which will lead to disturbance of neighbours living nearby regardless of how quiet the users of the building are asked to be.
- Car Parking provided is inadequate and therefore will lead to parking in the surrounding streets including Whitchurch Lane which is already very busy.
- The night use of the building will make the area too busy for longer, giving no relief to residents.
- The paved areas should use permeable paving to allow adequate drainage, to alleviate problems of ponding in the rear garden.
- There should be higher fencing and dense shrub planting at the rear to alleviate

noise.

- Limitations on times, days and numbers of users should be applied to reduce over-intensity of use.
- Traffic, noise and activity studies should be carried out to work out the impact on the area.

**Advertisement:**

N/A

**Notifications**

Sent: 30

Replies: 1 (from Canons Park Residents Association)

Expiry: 17.04.2013

**Addresses Consulted**

- 106b, 90, 94, 92, 96, 98, 100, 102, 104, 106a Whitchurch Lane
- 11, 15, 17, 18, 20, 22, 24, 26, 27, 28, 29, 31, 30, 32, 34, 36, 38a, 38b, 40, Buckingham Road

**Summary of Responses**

See above comments from Canons Park Residents Association.

**APPRAISAL**

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

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

The National Planning Policy Framework [NPPF] has been adopted and considered in relation to this application. Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Whilst Harrow's Core Strategy was adopted one month before the NPPF came into force, it was subject to a consultation on its conformity with the draft NPPF, and the Inspector's report concludes that the Core Strategy is in conformity with the NPPF. Harrow's emerging Local Plan policies in the DM Policies, AAP and Site Allocations are at a very advanced state of preparation, and in line with NPPF paragraph 216, can be afforded substantial weight. There are no real substantive unresolved issues with regards to any of the policies in any of the documents. Harrow's saved UDP Policies can continue to be used, and be given due weight as affords their consistency with the NPPF.

Harrow's 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].

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



the Harrow Unitary Development Plan (2004) when adopted.

The document has been subject to two rounds of consultation; between 13 May 2011 and 24 June 2011 on the Council's Preferred Options Development Management Policies, and between 27 July 2012 and 7 September 2012 on the Pre-submission Draft document. The DPD has now been subject to an Examination in Public which conducted between 22/01/2013 to 30/01/2013. 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. Hearing sessions on a range of matters were held on 22<sup>nd</sup>, 28<sup>th</sup> and 30<sup>th</sup> January.

Following the hearings and in response to issues raised by the Planning Inspector and participants the Council published on 21<sup>st</sup> March 2013 a schedule of Post Hearings Main Modifications for consultation. The consultation runs until 3rd May 2013 and seeks representations on the Main Modifications (only) in terms of the tests of soundness as set out at paragraph 182 of the NPPF.

Representations will be forwarded directly to the Planning Inspector to expedite the completion of his report. The Council expects to have his report late May/early June. The plans are now at a very advanced stage of preparation and the Main Modifications have been drawn up by the Council in co-operation with the Planning Inspector and participants to resolve their issues. An important part of the examination process has been to ensure consistency with the policies of the NPPF.

## **MAIN CONSIDERATIONS**

### **Principle of the Development**

The NPPF (2012) established a presumption in favour of sustainable development where proposals are in accordance with the development plan. Paragraphs 18-22 provide national policy for building a strong, competitive economy. It states among other things that local planning authorities should plan proactively to meet the needs of business and that planning policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose.

The site is currently falls under Use Class B1 but does not fall within a designated Business, Industrial and Warehousing site as identified by the Harrow Unitary Development Plan (2004). As such, the site being a non allocated site is therefore potentially suitable for release in line with the Core Strategy spatial Strategy. The principal of acceptability of the change of use is largely governed by core policy CS1 (O) and saved policy EM15 of the Harrow UDP.

Policy CS1 (O) provides a sequential approach for the further release of B Class stock, having regard to monitoring of the supply/demand balance and giving preference to the release of non allocated/poorer quality sites.

Saved policy EM15 states that the Council will normally only permit changes of use from B1 use outside of designated areas where it can be demonstrated that: a) there is sufficient provision of other sites or premises available for B1, B2 and B8 uses within the local area and throughout the remainder of the borough; b) there is no unacceptable harm to the local economy; c) there is satisfactory evidence that the site has been marketed extensively for B1, B2 and B8 uses; d) the site has been vacant for a

considerable length of time; e) in the case of B2 or B8 uses, continued use would have an impact on the amenity of the neighbouring occupiers; f) access to public transport is poor and unlikely to be improved and g) access for delivery vehicles is poor, where required, and unlikely to be improved.

It is considered that the proposed site would be potentially suitable, given that it is a non allocated site. However, criterion A requires the applicant to demonstrate that there is sufficient provision of other available B1 sites. Although the applicant has not supplied any substantial evidence to support this, regard is had the location of the building in a residential area. It is considered that the building would be unlikely to be a highly sought after premises for office use, and that the proposal would provide a benefit to the community through diversification of a redundant office building.

With regard to criterion B, it is recognised that the nursery and educational centre would result in employment opportunities with the provision of 15 jobs. In addition, being a non allocated site, is sequentially preferable to other sites in line with the Core Strategy's approach to managing employment land.

Regarding criterion (c) and (d) of saved policy EM15, the applicant has not provided any evidence of marketing or details relating to the length of vacancy of the building. The applicants state that it would be inappropriate for them to carry out marketing for B1 office space, given their intention to use it as a nursery and education centre. In the absence of any marketing information, the applicants have emphasised that the community use would be far more appropriate, given the residential nature of the area and that the office building has been vacant for some time since it was sold by Harrow Council. It is accepted that the proposed community use would provide a positive service to the local community as well as providing employment opportunities. The applicants have provided some indication that the building has been vacant for some time as a proposed change of use to a community resource centre, granted in 2003 by Harrow Council was never implemented.

On balance, it is considered that although the applicant has not demonstrated compliance with all of the criteria of saved policy EM15, the site is non allocated and given the residential nature of the area and proposed community use, it is considered appropriate for release in this case. As such, it is considered that the loss of B1 office space would therefore not result in harm to the local economy and the proposal is considered to be acceptable in principle.

Nevertheless, it is recognised that this needs to be considered in relation to other material considerations, including other policies of the development plan and wider London Plan objectives which is discussed below.

### **Community Services and Nursery Provision**

Policy 3.18 of The London Plan outlines that "development proposals that which enhance education and skills provision will be supported". Saved policy C7 of the HUDP (2004) states that the Council will seek to ensure that appropriate educational facilities are provided subject to three criteria; a) that there is a need for new educational facilities in the area; b) accessibility levels of the site; c) availability of a safe-setting down and picking up area.

In addition to the above, saved UDP policy C2 states that the Council will seek the provision of new facilities in areas identified to be in need of such facilities or facilities

required to meet the needs of particular communities. This policy sets out the main factors to consider in determining whether proposals for community facilities are acceptable. These include public transport accessibility, proximity to client groups, availability/suitability of alternative premises and suitability of premises for other related uses. Saved policy C3 relates to changes of use of residential properties to nurseries. Although the subject building is not a dwellinghouse, given the location of the building in a residential area, it is also considered to be relevant to this application. Saved policy C3 requires that the effect on the amenities of the neighbouring residents in relation to noise and disturbance be taken into account as well as provision of a safe environment for children and the scale and intensity of the use of the property among other factors.

The applicant contends that there is a strong demand for local nursery and educational services, although no demonstrable need for educational facilities has been submitted by the applicant. However, it is considered that the site is in a reasonably good location in terms of access to public transport with a Public Transport Accessibility Level (PTAL) of 3. Notwithstanding this, it is considered that a number of children attending the nursery would be likely to arrive by car. It is proposed to provide a drop/off pick up area in the existing car park, adjacent to the main building which would reduce the need for on street parking. It is also considered that this location would be adequate in relation to children's safety. The subject site is also in close proximity to Camrose and Krishna Avanti primary schools as well as Canons High School. As such, it is considered that there are a number of potential clients in close proximity to the site which may be able to take advantage of the facility. The proposal also involves provision of outdoor play areas at the rear. It is considered that, provided the play areas are staffed at all times and enclosed by fencing as proposed, it would provide a safe environment for children to play in.

Overall, it is acknowledged that the proposal would be in a relatively good location in terms of potential clients and public transport accessibility as well as providing a safe environment for children. Furthermore, the proposal would help to meet wider London Plan objectives in terms of providing an educational service for the community.

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

National Planning Policy Framework (2012) advises at paragraph 58 that planning policies and decisions should aim to ensure that developments should optimise the potential of the site to accommodate development and respond to local character and history and reflect the identity of local surroundings and materials.

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

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

Saved policy D4 of the Harrow UDP reinforces the principles set out under The London Plan (2011) policies 7.4B and 7.6B and seeks a high standard of design and layout in all development proposals. It goes on to state, amongst other things, that developments should contribute to the creation of a positive identity through the quality of building layout and design, should be designed to complement their surrounding, and should have a satisfactory relationship with adjoining buildings and spaces.

The application proposes a two storey side to rear extension which would have a width of 6 metres. It is considered that this width would be in proportion to the width of the original building at the front which has a width of 23.2 metres. The two storey side extension would be finished with a hipped roof that would be subordinate in relation to the main ridge line and would be finished in materials to match the existing building. As such, this aspect of the proposal is considered to have an acceptable impact on the existing building and wider street scene.

In addition to the above, saved policy D4 states that provision must be made for bin and refuse storage, and goods to be recycled and that this must be provided in such a way to minimise its visual impact while providing a secure end convenient facility for occupiers and collection. An area for refuse and recycling is proposed towards the front eastern side of the site. In terms of accessibility for collection, this location is considered to be acceptable. The Design and Access Statement indicates that the refuse storage area would be screened by timber fencing and gates, however no details have been provided. As such, a condition is recommended to ensure that the bin store was screened and enclosed. Subject to this, it is considered that the proposal would not have a detrimental impact on the street scene.

Paragraph 4.21 of saved policy D4 recognises the contribution that landscaping can make to the character of an area or locality. The LPA will seek their retention, reinstatement and enhancement in proposals as stipulated in saved policy D9. This is to ensure that the greenery is enhanced to improve the appearance of the development and the street scene. Under the current Planning application, some soft landscaping is proposed. It is considered there is some scope for additional soft planting to enhance the appearance of the street scene and improve the existing situation. In addition, the applicant has outlined within the Design and Access Statement that additional planting will be provided to the boundaries of the site which will act as a screen and provide additional privacy for neighbouring residents. The subject planning application was referred to the Council's Landscape Architect who has advised that the proposal is acceptable, subject to a condition requiring a detailed hard and landscaping plan for the site. As such, a condition is recommended in respect of this to ensure that the proposed development would meet the objectives set out under saved policies D4 and D9 of the Harrow UDP.

It is proposed to install a sliding steel gate towards the front eastern boundary of the site. This would have a height of 1.8 metres and would be set back some 5.46 metres from the front boundary of the site. Having regard to these factors, it is considered that this aspect of the scheme would have an acceptable impact on the street scene.

Overall, it is considered that the proposed extensions and alterations would have acceptable impact on the character and appearance of the existing building and the surrounding street scene, in accordance with policies policy 7.4 (B) and 7.6 (B) of The London Plan (2011), core policy CS 1(B) of the Harrow Core Strategy (2012) and saved

policy D4 of the Harrow Unitary Development Plan (2004).

### **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.

Noise and disturbance from the use of the site as a nursery and educational centre is considered to be a potential issue with the proposed development, particularly in relation to the adjacent residential properties at the rear of the site and those on Buckingham Road. The reasoned justification in paragraph 3.87 of saved policy EP25 of the Harrow Unitary Development Plan (2004) stated 'So that people and sensitive environments are not subjected to excessive noise levels from new development or changes of use, noise generating development will not be permitted in noise sensitive area, unless developers can demonstrate that it would not have an adverse impact on neighbouring land uses. Developers will be expected to ensure that noise arising from the proposals, including noise-generating by people and vehicles arriving and leaving the premises, does not cause excessive disturbance to adjacent land uses'.

With regard to the proposed two storey side to rear extension, this would be sited adjacent to the boundary with No. 17 Buckingham Road. The flank wall would be sited approximately 6.3 metres from the boundary with this property. There would be no breach of the 45 degree code in both the horizontal and vertical plane. Having regard to this, as well as this distance from the boundary, it is considered that this aspect of the proposal would not result in any undue loss of light, outlook and overshadowing to the occupiers of this site.

The Design and Access Statement indicates that the proposed opening hours would be from 08:00 to 08:30 on weekdays and from 09:00 to 5pm on weekends. While the weekday opening hours are considered not to be unreasonable, the proposed weekend opening hours are considered to be unacceptable and would give rise to undue noise and disturbance through comings and goings, children's play, and additional vehicular traffic when residents are more likely to expect lower ambient noise levels. As such, a condition is recommended to limit the use of the building to weekdays only between the hours of 08:30 to 18:00 as well as a condition to limit the number children that can be cared for at any one time.

The proposed play area sited towards the rear north western side of the site would be sited some 45 metres from the properties to the rear of the site along Whitchurch Lane. This distance is considered to be adequate to ensure that no adverse amenity impact occurs in relation to these properties. However, the proposed play area would be sited directly adjacent to the rear garden boundary of No. 27 Buckingham Road. Under the current proposal details have been provided in respect of management of the play area. In addition to the construction of 1.8 metre high timber fence around the perimeter of the site, it is proposed that that a maximum of 10 children will play outdoors at any one time under close supervision. Playtimes would be staggered to accommodate small groups of children, noisy outdoor activities would be discouraged and a staggered pick up, drop off approach would be used for vehicular traffic. Having regard to the noise sensitive location of the outdoor play space, a condition is recommended to ensure that the number of children using the outdoor space is limited to a maximum of 10 children at any one time and that the use of the space is limited between the hours of 09:30 and

16:30 only. It is considered that subject to these conditions and the above mentioned factors, the impacts of the proposal could be managed effectively so as not to result in unreasonable levels of noise and disturbance for neighbouring residents and on balance would be acceptable.

Three windows are proposed at first floor level in the two storey side extension. Two windows would serve a seating area and one window would serve a toilet. The two windows which would serve the seating area would be sited adjacent to the flank wall of No. 17 which contains one window at first floor level. However, these windows would be sited 7.7 metres from the flank wall of No. 17 and subject to a condition to ensure that they were non opening below a height of 1.7 metres above the internal finished floor level and obscured glazed, it is considered that no unreasonable overlooking or loss of privacy would result to the adjacent neighbouring occupiers.

The additional windows at ground floor level and on the rear elevation of the proposed two storey side to rear extension are not considered to give rise to any overlooking or loss of privacy and are acceptable.

As such, it is considered that the proposal, subject to conditions, would comply with London plan policy (2011) 7.6 (B) and saved Policies D4 and EP25 of the HUDP (2004).

### **Traffic and Parking**

The London Plan (2011) policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. Policy T6 of the Harrow Unitary Development Plan (2004) requires new development to address the related travel demand arising from the scheme and policy T13 requires new development to comply with the Council's maximum car parking standards.

In terms of parking provision there will be a reduction as compared to the previous provision for B1 (10 spaces) with a facility consisting of 9 spaces. This lower figure exceeds current UDP standards. However it is considered that, given the high level of on-street parking in the area, this level should be maintained to lessen potential impacts on the area. A drop off/pick up area is to be provided on-site and will reduce the need to park on-street and allows vehicles to enter and leave in a forward gear which is the recommended best practice in line with Government guidelines.

It is noted that Camrose primary/Krishna Avanti and Canons High schools are relatively close to this address so it is likely that some siblings may take advantage of the proposed facility hence producing a 'linked trip' scenario which potentially reduces overall traffic linked activity. However this is difficult to fully quantify. It is considered that as the proposed nursery and educational centre is in relatively dense residential area, a staggered 'drop off' and 'pick up' regime to dilute some of the potential impact of the surrounding residential area is required. If the staggered approach is applied it would help reduce concentrated traffic generation to and from the site. It should also lessen the likelihood of injudicious parking resulting on the highway to the detriment of traffic flow and potential highway safety and concerns of neighbours who may otherwise envisage problems with such parking occurring over driveways. In terms of the staggered drop time, it is considered that a 'window' of 15-30 minutes would suffice in achieving this objective and reduce concentrated traffic generation to and from the site. The agent for the applicant has confirmed this to be the intention, although no specific details has been provided. The application has been referred to the Council's highways engineer who considers that a staggered drop off and pick up time would be necessary

as part of the proposal. To this end, a condition is recommended to ensure that the applicant provides a detailed scheme outlining staggered pick up and drop off times for the use of the building, prior to the commencement of development.

In cycle provision terms the provision of 8 secure spaces approximately conforms to London Plan 2011 standards and this aspect of the proposal is therefore considered acceptable. A condition is also recommended to secure a framework travel plan to ensure that both staff and pupils are encouraged to use sustainable travel modes and to ensure a staggered approach to pick up and drop off times. Subject to compliance with this, the proposal would be acceptable in traffic generation terms and highway safety.

### **Accessibility**

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

The proposed nursery and educational centre would incorporate level entrances. There is also an existing external ramp at the rear of the building to allow wheelchair access into the nursery. A wheelchair accessible lift is also proposed to gain access to the upper floor as well as wheelchair accessible toilets at both ground and first floor levels. It is considered that the layout of the building would enable adequate circulation for disabled 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.

### **Trees and Development**

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

In this case, the applicant intends to provide a new vehicle access to the north eastern side of the site. A mature tree is sited in this location on the public pavement which is considered to make a positive contribution to the amenity value of the area. Since the previous application, the crossing has been amended so that it would leave a 1.8 metre gap to the trunk of the tree. This distance is within the Council's acceptable guidelines and is considered to be sufficient so as not to adversely affect the adjacent street tree. The application has been referred to the Council's Vehicle Crossing Officer and arboricultural officer who have not objected to the proposal. As such, the revised vehicle crossing location satisfies the previous reason for refusal as outlined on P/2478/13.

### **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.

### **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 deemed that this application would not have any detrimental impact upon community safety and is therefore acceptable in this regard.

### **Consultation Responses**

- It is accepted that community facilities can be provided in this ex social services building. However, the proposed opening hours seven days a week seems excessive and will have an impact on the surrounding area in terms of people and cars coming and going throughout the day and evenings.
  - This is addressed in sections 4 and 5 of the above appraisal.
- There seems to be an over-intensive use of the building of all ages, accommodating 60 people at one time, which will lead to disturbance of neighbours living nearby regardless of how quiet the users of the building are asked to be.
  - This is addressed in sections 4 and 5 of the above appraisal.
- Car Parking provided is inadequate and therefore will lead to parking in the surrounding streets including Whitchurch Lane which is already very busy.
  - This is addressed in section 5 of the above appraisal.
- The night use of the building will make the area too busy for longer, giving no relief to residents.
  - This is addressed in section 4 of the above appraisal.
- The paved areas should use permeable paving to allow adequate drainage, to alleviate problems of ponding in the rear garden.
  - A condition has been attached which requires details of hard and soft landscaping will be provided which will ensure that appropriate permeable materials are used for hard surfacing and that rainwater run off can be contained within the site.
- There should be higher fencing and dense shrub planting at the rear to alleviate noise.
  - This would be ensured through conditions as outlined below.
- Limitations on times, days and numbers of users should be applied to reduce over-intensity of use.
  - This would be ensured through conditions as outlined below.
- Traffic, noise and activity studies should be carried out to work out the impact on the area.
  - The overall intensity of the use and scale of the extensions proposed is considered not to be sufficient to warrant the need for a noise or Traffic Impact Assessment in this case. The potential traffic and associated noise impacts are acknowledged but it is considered that these issues can be effectively mitigated through planning conditions and therefore a refusal on this basis would not be justified.

### **CONCLUSION**

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



recommended for grant.

## **CONDITIONS**

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement; Planning Statement; Operators Management Statement; VC-4690A; 6209-01; 6209-02; 6209-03 Rev D; 6209-04 Rev B

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 in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

4 The use hereby permitted shall not be open to children or staff outside of the following times :

08:30 hours to 18:00 hours, Monday to Friday inclusive.

without the prior written permission of the Local Planning Authority.

REASON: To safeguard the amenity of neighbouring residents in accordance with saved policies EP25 and D4 of the Harrow Unitary Development Plan (2004).

5 The maximum number of children and staff in the premises shall not exceed 75 persons at any time.

REASON: To ensure that the use of the site is not over-intensive and to permit an assessment of patron / staff numbers in the future in the light of the circumstances then prevailing as a measure to ensure that disturbance /disruption or noise to the neighbouring residential properties are kept to a minimum in order to comply with saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

6 The number of children in the side/rear garden area shall not exceed 10 at any one time and shall not be used outside of the hours of 09:30 to 16:30 Monday to Friday inclusive.

REASON: To safeguard the amenity of neighbouring residents and to ensure that disturbance /disruption or noise to the neighbouring residential properties are kept to a minimum in accordance with saved policies EP25 and D4 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents, in accordance with saved policies EP25 and D4 of the Harrow Unitary Development Plan (2004).

8 No development shall take place until details of the acoustic timber fence around the perimeter of the site as shown on Plan No. 6209-03 Rev D has been submitted to, and approved in writing by, the local planning authority.

The boundary treatment shall be completed:

a: before the use hereby permitted is commenced

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

REASON: To safeguard the amenity of neighbouring residents and the character of the locality in accordance with saved policies EP25 and D4 of the Harrow Unitary Development Plan (2004).

9 The premises shall only be used for the purpose specified in the application and for no other purpose, including any other purpose in Class D1 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 amenities of neighbouring residents and to ensure that highway safety is not prejudiced in accordance with saved policies EP25 and T13 of the Harrow Unitary Development Plan (2004).

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

REASON: To safeguard the amenity of neighbouring residents in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

11 The window(s) in the first floor north east flank wall(s) of the approved development shall:

a) be of purpose-made obscure glass,

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

REASON: To safeguard the amenity of neighbouring residents in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

12 Details of the 8 secure cycle parking spaces on the site 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 nursery/tutorial centre and shall be retained for the duration of the use on the site.

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

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

REASON: To safeguard the amenities of neighbouring residents and to ensure that highway safety is not prejudiced in accordance with saved policies EP25 and T13 of the Harrow Unitary Development Plan (2004).

13 The use of the building and the extensions hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the site, including full details of irrigation

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

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

14 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).

15 Prior to the commencement of the development hereby permitted, elevations of the refuse enclosure shall 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 safeguard the character and appearance of the area and ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties, in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

16 Prior to the commencement of development, a framework travel plan, including a detailed scheme for staggered vehicle pick up and drop off times for nursery/tutorial classes shall be submitted to, and approved in writing by the local planning authority. The travel plan shall be implemented in accordance with the approved details from the commencement of the use on site.

REASON: To safeguard the amenities of neighbouring residents and to ensure that highway safety is not prejudiced in accordance with saved policies EP25 and T13 of the Harrow Unitary Development Plan (2004).

## **INFORMATIVES**

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

The proposed use of the building as a nursery and tutorial centre would provide a good community facility within a redundant office building, enhancing the social infrastructure in the area. Subject to conditions, including restriction of opening hours and use of the outdoor space as well as a scheme to provide a staggered vehicle pick up and drop off times, the proposal is considered not to result in any unreasonable adverse impacts on the residential amenities of the neighbouring residential properties. The design, siting and appearance of the extension is considered to meet the requirements for good design contained within the adopted development plan and the NPPF (2012). Overall, on balance the development would therefore not have any significant visual, transport or other impacts that would warrant refusal of Planning permission. The decision to GRANT planning permission has been taken having regard to the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012, the saved policies of the Harrow Unitary Development Plan 2004 and the National Planning Policy Framework as well as to all relevant material considerations, including site circumstances and comments received in response to publicity and consultation.

The following policies are relevant to this decision:

**National Planning Policy Framework (2012)**

**The London Plan (2011):**

- 3.1 Ensuring Equal Life Chances For All
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.18 Education Facilities
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.15 Reducing Noise and Enhancing Soundscapes

**Harrow Core Strategy (2012)**

Core Policy CS1 (B), (O)

Core Policy CS 8 – Edgware and Burnt Oak

**London Borough of Harrow and Unitary Development Plan (2004)**

D4 Standard of Design and Layout

D9 Streetside Greenness and Forecourt Greenery

T6 The Transport Impact of Development Proposals

T13 Parking Standards

C2 Provision of Social and Community Facilities

C3 Nursery provision in Residential Premises and Areas

C7 New Education Facilities

C16 Access to Building and Public Spaces

EM15 Land and Buildings in Business, Industrial and Warehousing Use

EP25 Noise

EP12 Control of Surface Water Run Off

**Supplementary Planning Documents / Guidance:**

Supplementary Planning Document - Access For All (2006)

Code of Practice for Storage and Collection of Refuse and Materials for Recycling (2008)

**Draft Development Management Policies (2012)**

Policy 1 Achieving a High Standard of Development

Policy 2 Achieving Lifetime Neighbourhoods

Policy 31 Streetside Greenness and Forecourt Greenery

Policy 33 Office Conversions

Policy 30 Trees and Landscaping

Policy 53 Parking Standards

Policy 56 Waste Management

Policy 57 New Community, Sport and Educational Facilities

**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 THE PARTY WALL ETC. ACT 1996

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](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 INFORM61\_M

Please be advised that approval of this application attracts a liability payment of £28, 805 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

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

Your proposal is subject to a CIL Liability Notice indicating a levy of £28, 805 for the application, based on the levy rate for Harrow of £35/sqm and the stated floorspace of 823sqm

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

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

## 6 INFORM\_PF1

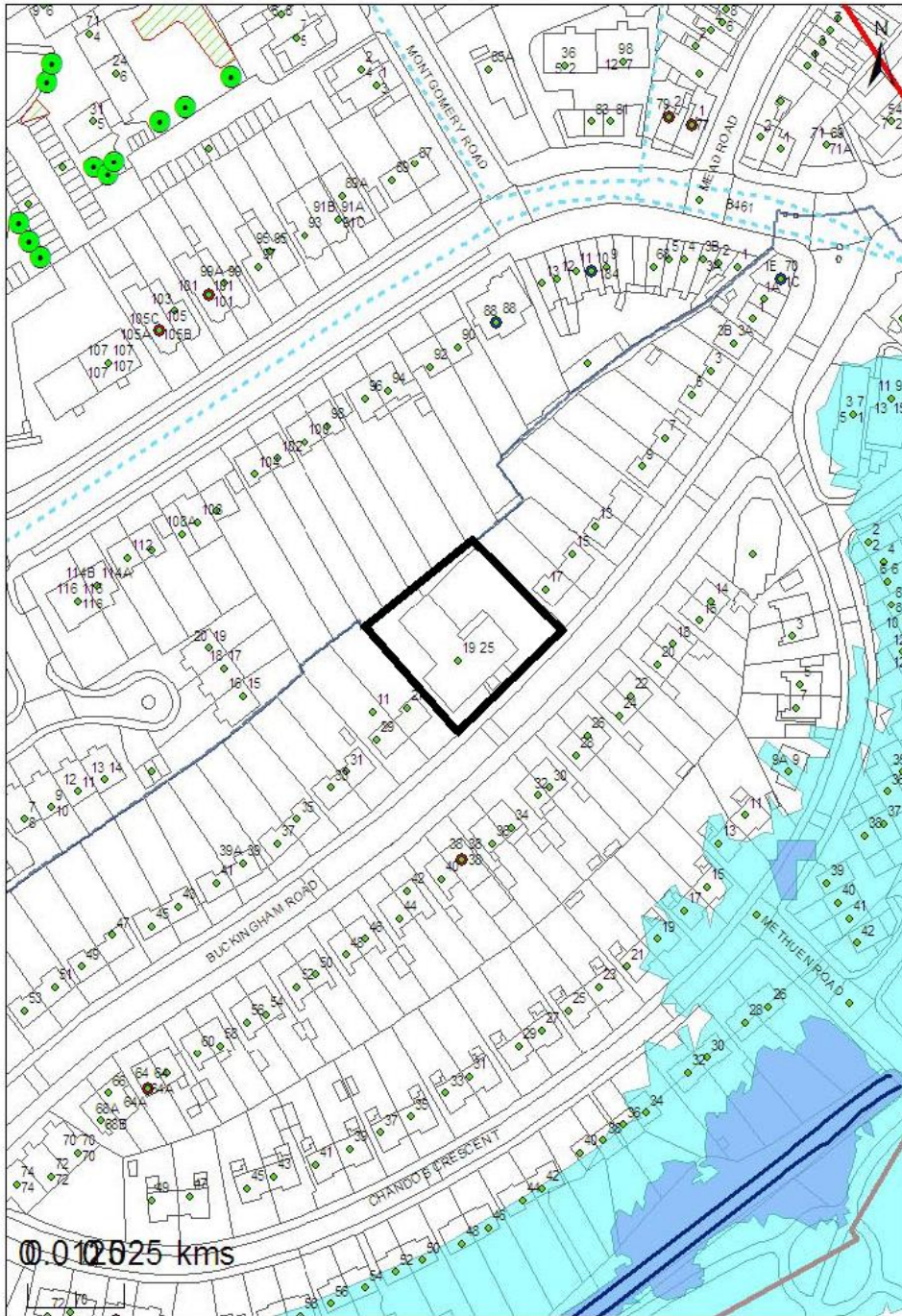
Grant with pre-application advice

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

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

Plan Nos: Design and Access Statement; Planning Statement; Operators Management Statement; VC-4690A; 6209-01; 6209-02; 6209-03 Rev D; 6209-04 Rev B

**19 - 25 BUCKINGHAM ROAD, EDGWARE**



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Item No. 2/10  
Address: 37 HEADSTONE LANE, HARROW  
Reference: P/0172/13  
Description: CHANGE OF USE OF DWELLING HOUSE (CLASS C3) TO RESIDENTIAL CARE HOME (CLASS C2)  
Ward: HEADSTONE NORTH  
Applicant: MR LESTER EMMANUEL  
Case Officer: CALLUM SAYERS  
Expiry Date: 12 MARCH 2013

### **RECOMMENDATION**

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

### **REASON**

The proposed change of use of the property from a single family home (Use Class C3) to a Residential Care Home (Use Class C2) would not significantly increase the scale and intensity of the existing use of the property as a single family home. It is considered that the proposed amount of residents and carers at the site would ensure that there would be an acceptable number of people within the site and not unacceptably harm the neighbouring properties through a loss of amenity by an increase in noise and disturbance. Furthermore, the proposed use would not unacceptably affect the safety and free flow of the highway or parking pressures within the area.

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 Unitary Development Plan 2004, and to all relevant material considerations, to meet the Vision of the Council in promoting a diverse community, which is celebrated and valued and create better cohesion, as detailed in Harrow's Sustainable Community Strategy [Apr 09], and any comments received in response to publicity and consultation.

### **INFORMATION:**

This application is being reported to committee as the proposal has received a petition with 109 signatures, and in the opinion of the Divisional Director of Planning the application should be referred to planning committee, in accordance with the provisions of paragraph 13 of the Scheme of Delegation.

Statutory Return Type: Change of Use  
Council Interest: None  
Site Area: 0.0504ha



Gross Proposed Internal Floorspace: N/A  
GLA Community Infrastructure (CIL) Contribution: None.

### **Site Description**

- The application site is located to the eastern side of Headstone Lane, midway between its junctions with Priory and Manor Ways.
- The application site is a two-storey semi-detached property that has been previously extended by way of a two-storey side extension and single storey rear extension.
- The property currently has a dropped kerb and a front garden that is able to provide for off-street parking for approximately 3 cars.
- The application property is currently a single family home, however it is noted that the applicants have provided foster care for between 2 – 3 children for approximately 10 years.

### **Proposal Details**

- The application proposes to change the use of the existing single family dwelling house (Use Class C3) to a residential care home (Use Class C2) for up to 5 children aged between 13 – 18 years old.
- It is proposed to provide living accommodation for a full time member of staff within the property.
- The proposed use would be carried out on a 24hr basis.
- No external alterations are proposed as part of this application.

### **Relevant History**

P/740/03 – Two-storey side, single storey front extension and single storey rear extension; rear dormer.  
Granted : 20/05/2003

### **Pre-Application**

- None

### **Applicant Submission Documents**

- Design and Access Statement
- Existing elevations and floor plans

### **Consultations**

Traffic and Parking  
No Objection.

### **Advertisement:**

N/A

### **Notifications**

Sent: 4  
Replies: 10  
Expiry: 04/03/2013

### **Neighbours Consulted:**

35, 27, 39 Headstone Lane, Harrow, HJA2 6JJ  
1 Manor Way, Harrow, HA2 6BZ

## Summary of Responses:

- Uncertainty and insecurity within the area
- Detrimental to peoples lives and property value
- Consultation not wide enough
- Council need to assure if approved there would be on site supervision so there would be no anti-social behaviour
- One staff member would not be enough to look after five children
- Increase in anti-social behaviour which is already an issue
- Harmful to the aims of the local school to improve the loves and behaviour of its pupils
- Increased noise and nuisance in the area (from 5 potentially disturbed young persons with addictions)
- The property is already overdeveloped
- Inappropriate supervision for future occupiers. Will there be regular monitoring from social services and other agencies etc?
- No consultation from property owner prior to proposing a change of use
- Previous works have been undertaken to property on weekends, outside of normal working hours
- No valuable employment to the area by having only one member of staff employed
- Concern that the owners would no longer live on the property
- Increase in traffic and pressure on parking
- Noise pollution
- General noise and disturbance.
- Intimidating behaviour to passer bys who are walking to school etc
- Parties in the rear garden
- Is this a suitable location for such a proposal?
- Already anti-social behaviour
- One room for one adult supervisor is inadequate
- Pollution from vehicles at peak times making young children suffer

A petition has been received which has been which has been signed by 109 persons. The petition objects to the change of Single Family Homes (Use Class C3) to Children's Care Home (Use Class C2) in residential roads.

## APPRAISAL

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

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

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

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

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

The document has been subject to two rounds of consultation; between 13 May 2011 and 24 June 2011 on the Council's Preferred Options Development Management Policies, and between 27 July 2012 and 7 September 2012 on the Pre-submission Draft document. The DPD has now been sent to the Secretary of State for Examination in Public which has finished. 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**

### **Provision of Health Care and Social Services, Character and Appearance of the Area, and Residential Amenity**

The proposed use would be for the provision of a residential care home for 13 – 18 year old children. The Design & Access Statement submitted to support the application states that there would be a maximum of 5 children and that the two owners of the property would be on site to manage and provide care to the children residing there. Furthermore, one of the 6 bedrooms within the dwelling would be set aside to provide accommodation for a member of staff, who would be one of four part-time staff employed. It would therefore be reasonable to conclude that at anyone time there may be 8 persons on site, being made up of 5 residents and 3 – 4 carers.

It is worth noting that across London there is a shortage of quality residential care homes for children, and across the borough of Harrow they are limited in number and capacity. Furthermore, as a childcare provider, the applicant will be required to register with the relevant statutory bodies.

Policy 3.17 of The London Plan (2011) states that 'Development proposals which provide high quality health and social care facilities will be supported in areas of identified need, particularly in places easily accessible by public transport, cycling and walking'. Following on from this, saved policy C8 of the Harrow Unitary Development Plan (2004) states that the Council will seek to ensure the provision of appropriate social care to cater for the needs of the community. Saved policy H14 states that conversion of a dwellinghouse to a residential care home will normally be permitted provided:

- a) There are no significant adverse environmental effects on surrounding properties or on the character of the locality;
- b) There is good public transport accessibility;
- c) Other facilities such as shops, day centres and healthcare services are sufficiently close; and
- d) There is adequate off-street parking.

The explanatory paragraph 6.68 of this saved policy states that the Council recognises the need for residential accommodation to be provided for a variety of people in need of care and where there is no demonstrable harm to the character of the locality, the Council will normally consider such proposals favourably.

In relation to criterion A above, the physical appearance of the property would not be

changed as a result of the subject proposal. As such, the proposed change of use would not have any impact on the physical appearance of the property. The proposed Care Home would retain the six existing bedrooms and the applicant has advised that the proposed care home would cater for up to five persons with both the applicant and his wife residing onsite. Furthermore a full time member of staff will also be employed on site, with one of the rooms dedicated to provide accommodation for that staff member. The Planning Application Form states that there would be up to four part time members of staff employed and two fulltime.

Essentially the proposed use of the property may operate at a level similar to that which could be operated as of right as a single family home. Given this, it is considered that the amount of comings and going would generally be what would be anticipated from a six bedroom single family home. It is acknowledged that there may be further visitors to the property through mandatory inspections and visits from professional health care services and other such regulatory services.

As indicated by the applicant in the application, staff would be present on the site on a 24 hour basis. However, it is noted that there would only be three full time staff on the site, with both the property owners and potentially more staff members as and when required. It is considered that even with an increase in numbers to the site, it would be of such a scale and intensity that would not unduly harm neighbouring amenity though increased noise and disturbance. The minor increase in persons to the property, particularly through an increase staff, there would be a slight increase in vehicular comings and going from property. However, given the minor increase in persons, and the good level PTAL for the site, it is considered that any increase would not unduly harm neighbouring amenity by an unreasonable increase in coming and goings from the property.

In relation to criterion C above, the reasoned justification in paragraph 6.71 of this policy states that *“The location of residential care homes close to facilities such as those in town centres, medical facilities and day centres will reduce the need to travel as well as improve the accessibility of people who may be less mobile. Location is important from the point of view of the residents as well as those who provide ancillary services to meet their needs. Ambulances, medical personnel and carers need to have easy access and the residents need to be able to move about with little or no restriction”*. A secondary shopping parade of retail and commercial units along Pinner Road (493 – 539 odd only), is approximately 350m from the application site. The parade along this stretch of Pinner Road offers a range of facilities and services such as a pharmacy and supermarket (express), which would satisfactorily allow for the needs and requirements of residents and carers alike to be met within the local vicinity.

In relation to criteria B and D above, the site is located in an area with good public transport accessibility. This is acknowledged by its PTAL rating of 3 (a ‘good’ rating). Further to this, off-street parking is provided on site for 3 vehicles and this quantum is proposed to be retained. The impacts of these material considerations are discussed in detail in section 2 below.

It is worth noting that in circumstances where specific criteria relating to numbers can be met, changing the use of a single family home to a residential institution where care is provided may be done so without the need for obtaining planning permission. It is noted that this application as it stands would be very similar to a development that could meet this threshold (C3 to a C3(a)).

In summary, and acknowledging the objection to whether this is the right location for such a proposal, it is considered that the facilities such as that proposed here would be beneficial to the wider community, and due to the minimal increase in intensity over and above what could operate from the property as of right, the proposal would not unacceptably harm the living conditions of the wider community through unacceptable noise and disturbance. The proposal would accord with policy 3.17 of The London Plan (2011) and saved UDP policy H14 of the Harrow Unitary Development Plan (2004).

### **Traffic, Parking and Highway Safety; Refuse Storage**

There is no objection in principle to a change of use from Use Class C3 to Use Class C2 care home on this premise as a result of the low level of activity associated with care home usage. The parking provision within the front garden is maximised to facilitate staff and visitor parking and it is apparent that most of the surrounding residential properties exhibit a generous level of off-street parking provisions, which would assist in reducing the amount of on-street parking demand. Although the road naturally deters parking in that it is heavily trafficked there is some capacity on the road itself which can in the unlikely circumstance cater for visitors to the proposed C2 use which is expected to be minimal in any event.

The applicant has not demonstrated any secure cycle storage for the proposed change of use. However, there appears to be ample space located on the site to accommodate one secure and accessible cycle space for staff in accordance with the London Plan 2011 standards. A condition securing this shall be imposed.

In summary, and acknowledging the objections regarding potential increase in traffic and pressure on parking within the area, it is considered that the proposed change of use of the property from a Single Family Home (Use Class C3) to a Residential Care Home (Use Class C2), would not significantly increase the amount of vehicles visiting the property nor placing undue pressure on parking provisions within the site or wider area.

### **Refuse and Servicing**

Paragraph 4.24 of saved policy D4 of the HUDP (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*". Details of refuse storage have not been provided within the application documents, contrary to this saved policy. Notwithstanding this, the property is considered to be able to provide adequate waste facilities within the site, and therefore a condition to secure this shall be imposed.

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

### **Equalities**

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 not considered that there are any equality impacts as part of this application.

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

The proposed development would have 24 hour supervision at the property which would be considered to ensure that residents have sufficient supervision from adult carers. It is considered that the proposed development would not adversely impact upon community safety issues and so it would comply with policy 7.3 of The London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004).

### **Consultation responses**

- Uncertainty and insecurity within the area.

*The Design & Access Statement states that there would be a fulltime member of staff onsite along with the applicant and his wife. This would ensure that there would be adequate supervision on the site.*

- Detrimental to peoples lives and property value.

*Any impacts on neighbouring amenity has been assessed under section 1 of this report. Property values are not a planning matter and cannot be considered.*

- Consultation not wide enough.

*The Council has undertaken all statutory consultations.*

- Council need to assure if approved there would be on site supervision so there would be no anti-social behaviour.

*The planning application considered by the Council is with regard to the change in use of the property. The level of care provided at the property would be subject to assessment against health care professionals under separate legislation.*

- One staff member would not be enough to look after five children.

*The Design & Access Statement states that there would be one full time member of staff and both the applicant and his wife would be on site at all times. This indicates therefore that there may be up to four adult supervisors on site, and no less than two.*

- Increase in anti-social behaviour which is already an issue.

*There is no evidence to suggest that the residents in the care home proposed would lead to an increase in anti-social behaviour.*

- Harmful to the aims of the local school to improve the lives and behaviour of its pupils. *There is no evidence to suggest that a change of use from the single family home to a residential care home would adversely affect the aspirations of the local schools.*

- Increased noise and nuisance in the area (from 5 potentially disturbed young persons with addictions)

*It is proposed for five residents to be at the property, which could be the same number as a single family home. Furthermore, it is proposed for there to be sufficient care and supervision for the residents.*

- The property is already overdeveloped.

*The existing property has a number of additions to it, which have been approved through the planning process previously. As such, it is considered that extent of development is appropriate and in any case no further extensions are proposed as part of this application.*

- Appropriate supervision for future occupiers? Will there be regular monitoring from social services and other agencies etc.

*The planning application applied for here is concerned with the land use of the site and the associated consequences. Other issues raised here relate to the other permissions under the Mental Health Act which the applicant would need to secure before the property could be used for the proposed purpose. As these issues relate to other non-planning legislation, they cannot be considered as part of this planning application.*

- No consultation from property owner prior to proposing a change of use.

*Consultation with the public from the applicant is not a requirement as part of the planning process.*

- Previous works have been undertaken to property on weekends, outside of normal working hours.

*This application seeks a change of use of the property from a single family home and to a residential care home which does not involve any physical works that require planning permission. Any works that are required internally such as those described within the Design & Access Statement are unable to be controlled through planning legislation. In any case, an informative has been imposed within the decision to refer to the applicant to the Considerate Contractor Code of Practice.*

- No valuable employment to the area by having only one member of staff employed.

*The level of employment by the proposed care home is not a consideration of whether the proposed use would be an acceptable development.*

- Concern that the owners would no longer live on the property.

*The Design & Access Statement indicates that there would be a member of staff and that both owners of the property would be on site at all times to deal with any issues that may arise.*

- Increase in traffic and pressure on parking

*Addressed under Section 2 of this report.*

- General noise and disturbance.

*Addressed under section 1 above.*

- Intimidating behaviour to members of the public who are walking past the site to the local school.

*Not a planning matter*

- Parties in the rear garden.

*Parties could occur as the property is currently. There is no indication that this would increase as a result of any change of use to a residential care home.*

- Is this a suitable location for such a proposal?

*Addressed under section 1 of this report.*

- Already anti-social behaviour.

*No evidence has been submitted to demonstrate that there is anti-social behaviour, and a minor increase over and above what is already present on site would be unlikely to noticeably exacerbate this further.*

- One room for one adult supervisor is inadequate

*Design & Access Statement indicates that the property owners would reside at the property along with an extra member of staff which would result in three members of staff being present at the property.*

- Pollution from vehicles at peak times along this road would make young children suffer.

*This would be no difference to any of the single family homes along this road. Furthermore, the proposed development would not result in significantly more traffic to the area, and would therefore not exacerbate any potential pollution within the area.*

## **CONCLUSION**

The proposed change of use of the property from a single family home to a residential care home would not give rise to any unreasonable harm to neighbouring residents through an increase in noise and disturbance. Furthermore, the change of use would not result in any adverse impacts upon highway safety or convenience.

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

## **CONDITIONS:**

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

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

2 The maximum number of residents receiving care in the premises [for the C2 Residential Care Use] shall not exceed 8 at any time.

REASON : To ensure that the use of the site is not over-intensive and to ensure that disturbance/disruption or noise to the neighbouring residential properties are kept to a minimum in order to comply with saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

3 Prior to the occupation of the development hereby approved a metric scale drawing showing provision of secure bicycle storage and refuse facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented on site and retained thereafter in that form.

REASON: To provide for sustainable modes of transport in accordance with policies 6.9 of the London Plan and saved policies of T.6 & T.13 of the Unitary Development Plan (2004).



4 The development hereby permitted shall be carried out and completed in accordance with the following approved plans and documents: 2003/DAC/37HL-01, Design and Access Statement, Site Plan.

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

## **INFORMATIVES:**

### **1 INFORMATIVE:**

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

The proposed change of use of the property from a single family home (Use Class C3) to a Residential Care Home (Use Class C2) would not significantly increase the scale and intensity of the existing use of the property as a single family home. It is considered that the proposed amount of residents and carers at the site would ensure that there would be an acceptable number of people within the site and not unreasonable harm the neighbouring properties through a loss of amenity by an increase in noise and disturbance. Furthermore, the proposed use would not unacceptably affect the safety and free flow of the highway or parking pressures within the area of the site.

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, to meet the Vision of the Council in promoting a diverse community, which is celebrated and valued and create better cohesion, as detailed in Harrow's Sustainable Community Strategy [Apr 09], and any comments received in response to publicity and consultation.

### **National Planning Policy**

National Planning Policy Framework 2012

### **The London Plan [2011]:**

3.1.B – Ensuring Equal Life Chances for All

3.8.B – Housing Choice

3.9 – Mixed and Balanced Communities

6.9 – Cycling

6.10 – Walking

6.13.C/D – Parking

7.2.C – An Inclusive Environment

7.4.B – Local Character

### **The Harrow Core Strategy 2012**

CS1 – Overarching Policy

CS8 – Rayners Lane & North Harrow

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

EP25 – Noise

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

T13 – Parking Standards

H14 – Residential Institutions

### **Adopted Supplementary Planning Documents**

Supplementary Planning Document: Access for All 2006

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

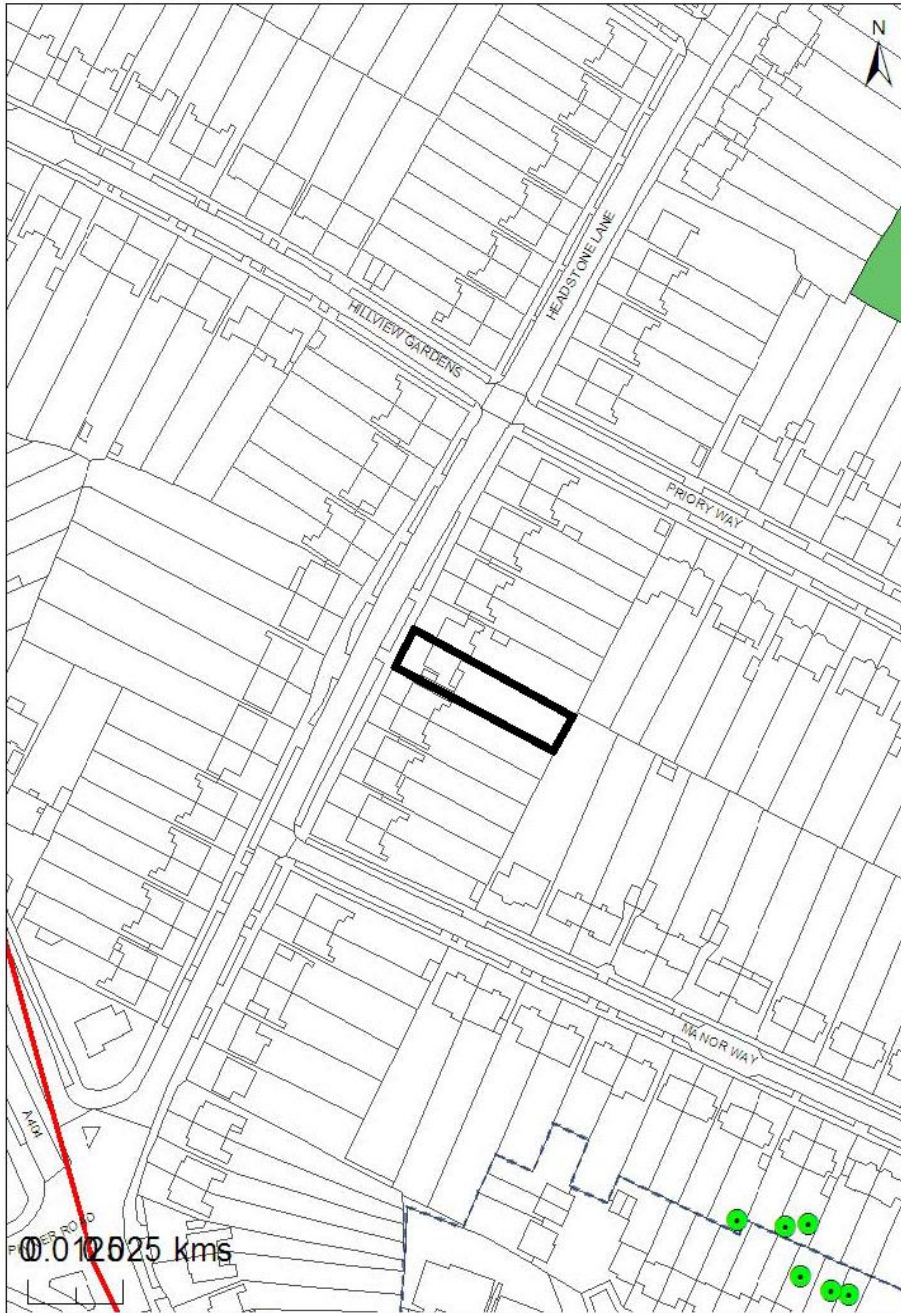
## 3 COMPLIANCE WITH PLANNING CONDITIONS

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

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

Plan Nos: 2003/DAC/37HL-01, Design and Access Statement, Site Plan

**37 HEADSTONE LANE, HARROW**



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Item No. 2/11  
Address: 221 – 227 HIGH ROAD, HARROW  
Reference: P/0183/13  
Description: CHANGE OF USE OF GROUND AND FIRST FLOORS FROM RESTAURANT (USE CLASS A3) TO MIXED USE EDUCATION TRAINING COUNSELLING AND PLACE OF WORSHIP (USE CLASS D1)  
Ward: WEALDSTONE  
Applicant: MR BERNARD JOHNSON  
Agent: PSD ARCHITECTS  
Case Officer: ANDREW RYLEY  
Expiry Date: 08/04/2013

## **RECOMMENDATION**

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

## **REASON**

The proposed change of use of the ground and first floors from restaurant (Use Class A3) to mixed use education, training, counselling and place of worship (Use Class D1) is considered to be acceptable in terms of its compliance with the Development Plan. The proposal would not result in the unacceptable loss of residential amenity for the neighbouring occupiers, or detrimentally impact upon the local highway network. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), the policies of The London Plan (2011), 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.

## **INFORMATION**

This application is reported to the Committee as the Council has received a petition objecting to the application, and it is in the opinion of the Divisional Director of Planning Services, as set out by category 13 of the Council's Scheme of Delegation, that the development should be considered by the Planning Committee.

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 a two storey building located on the west of High

Road.

- The existing building has a mixed mock Tudor / red brick frontage, and is set back from the public highway by approximately 3.5m. Although there is some ornamental landscaping/planters at the front, the frontage is dominated by hard surfacing.
- The lawful use of the building is as a café/restaurant (Use Class A3) and was previously occupied by the Fiddler's French/Italian restaurant.
- The application site does not sit within a designated centre, or primary or secondary shopping frontage.
- High Road is a London Distributor Road.

### **Proposal Details**

- The application proposes the change of use of ground and first floors from restaurant (Use Class A3) to mixed use education, training, counselling and place of worship (Use Class D1).
- The total area proposed for the change of use is 339 sqm.
- No external changes are proposed to the building.

### **Relevant History**

- N/A

### **Applicant Statement**

- In recent years, the restaurant has suffered from a lack of passing trade and the subsequent downturn in the financial markets.
- The applicant is a local charity (reg. 1129717), the Restoration Revival Fellowship Harrow, which have been operating from the Weldon Community Centre for the last 13 years.
- Restoration Revival Fellowship Harrow intend to use the building for a range of education/training, advocacy and advice services, community outreach programmes, counselling and religious activities. All of these activities fall within a Use Class D1 classification.

### **Consultations**

Highway Authority: No objection.

### **Notifications**

Sent: 40

Replies: 1 petition objection (12 signatures)

Expiry: 19/03/2013

### **Summary of Responses**

- The proposed development is not right for the location.
- There is very limited parking available. Local businesses and parents with children are very concerned about the extra danger travelling through and from school with the extra traffic and congestion such a development would bring to the area.

### **APPRAISAL**

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

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

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].

The National Planning Policy Framework [NPPF] which consolidates national planning policy has been adopted, and has now been in place for over 12 months and is considered in relation to this application. Therefore, as stated at paragraph 214, the period in which decision takers can continue to give full weight to policies adopted since 2004, but before the NPPF came into force, will be at an end. Paragraph 215 states that 'following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

Whilst Harrow's Core Strategy was adopted one month before the NPPF came into force, it was subject to a consultation on its conformity with the draft NPPF, and the Inspector's report concludes that the Core Strategy is in conformity with the NPPF. Accordingly, Harrow's saved Unitary Development Plan (2004) Policies can continue to be used, and be given due weight as affords their consistency with the NPPF.

Harrow's emerging Local Plan policies in the Development Management (DM) Policies Development Plan Document (DPD), Harrow and Wealdstone Area Action Plan (AAP) and Site Allocations DPD are at a very advanced state of preparation. The Examination in Public hearing sessions have now been concluded, and a consultation on further Main Modifications to each of the Local Plan Documents will run from 21st March - 3rd May 2013. There are no real substantive unresolved issues with regards to any of the policies in any of the documents. In line with NPPF paragraph 216, the policies in these documents can be afforded substantial weight.

## **MAIN CONSIDERATIONS**

### **Principle of Development**

Strategic objective 11 of The Harrow Core Strategy (2012) identifies that the Council aspires to "Strengthen Harrow town centre and maintain or enhance the vitality and viability of all town centres..." The Harrow Core Strategy (2012) Core Policy CS1 L states that "Harrow's town centres will be promoted as the focus for community life, providing residents with convenient access to a range shops, services, cultural and leisure facilities, as well as local employment opportunities and areas of good public transport."

There are no Development Plan policies or supplementary planning guidance which specifically concern the change of use of Class A3 premises outside of a designated centre or frontage. Saved Harrow Unitary Development Plan (2004) Policy EM21 lends support to the change of use of premises with a long-term vacancy to uses that will improve the amenity of the area. In this instance, it is considered that the requirement to demonstrate comprehensive marketing for all other 'appropriate uses' at a reasonable market rent is not relevant, since the premises was not in retail use and is not in a designated centre or shopping frontage.

In terms of the proposed mix of D1 uses, the emerging Development Management Policies DPD (Main Modifications) policy on neighbourhood parades (DM38) supports a range of community and economic uses in neighbourhood parades. Although this is not

designated as a neighbourhood parade, the application is consistent with the thrust of this policy.

With regards to the proposed uses, emerging policy on new community and education facilities, Development Management Policies DPD (Main Modifications) policy DM46 is supportive where:

- they are located within the community that they are intended to serve;
- they are located in an area of good public transport accessibility or a town centre; and
- there would be no adverse impact on residential amenity or highway safety.

It is noted that the Design and Access Statement sets out that the proposal is for the Restoration Revival Fellowship, currently operating from the Welldon Community Centre. The proposed relocation – being relatively close to the existing premises – indicates that the proposal would continue to be located within the community that it is intended to serve. High Road is well served by a number of local bus services and can therefore be considered to have good public transport accessibility for the level of use proposed.

As such, the application is considered to be consistent with the Development Plan for the area.

**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. Policy DM1 of the Development Management Policies DPD (Main Modifications) draft sets out a range of considerations in terms of ensuring that new developments are not detrimental to the privacy and amenity of neighbouring occupiers.

There are no physical changes proposed to the building.

The opening times of the restaurant vary throughout the week, with evening opening 6pm to 10pm Monday to Wednesday and noon to 2.30pm & 6pm to 10pm Thursday to Sunday. The application proposes that the new use would have the following opening hours and associated activities:

Monday – Friday	09:00 – 17:30	Education, Training, advocacy and advice services.
Tuesday - Friday	19:30 – 22.00	Faith based meetings and activities
Saturday	09:00-21:00	Community outreach programmes
Sunday	10:00-14:00 18:00-21:00	Religious meetings for members Religious meetings for members

In terms of the nature of the proposed use, it is the case that the level of activity is likely to be different from the current use, where, during the day, there is little or no activity (because the restaurant is not open in the day). However, there are other premises that are open through the day in the locality, and therefore the proposed use is unlikely to lead to any increase in impacts in this regard. In terms of the level of activity in the evenings and weekends, again there is little difference – arguably the impacts would be less as the approved restaurant has a license to operate until 2am on Friday and

Saturday and 1am on Sunday to Thursday. Whilst the nature of the activities are different, it is considered that the proposed use would not result in a detrimental impact on the amenities of the adjacent occupiers. A condition is recommended that would require no music or any other amplified sound caused as a result of this permission to be audible at the boundary of any residential premises in the vicinity of the premises to which this permission refers.

Furthermore, in relation to the proposed layout, it is noted that the 'meeting room' would be located along the party wall boundary with the adjacent attached property on High Road. To further reduce the potential impact, it is considered appropriate to impose a condition that would require the first floor layout to be amended, such that a less noisy activity – such offices or storage – would be located along this boundary. A planning condition is recommended accordingly.

### **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.

It is noted that a petition has been received objecting to the application. The main thrust of the objection is concern over the affect of the new use in terms of the impact on parking and traffic in the area.

The applicant has stated that the current Class A3 restaurant has the capacity to accommodate up to 110 seated guests with a staffing level of 12 to furnish events and this forms the established baseline of activity at present. As set out above, the opening times vary throughout the week, with evening opening 6pm to 10pm Monday to Wednesday and noon to 2.30pm & 6pm to 10pm Thursday to Sunday. Licensing hours extend to 2am on Friday and Saturday and 1am Thursday to Sunday.

The proposed D1 uses would alter this pattern by extending the times of actual opening for education, faith based, community activities throughout the week. However, the applicant states that the potential existing occupancy level would reduce by almost one half as they would have a total membership attendance of 60 at peak times on Sunday and a patronage of 10-20 at all other times for the remaining proposed uses. It is confirmed that up to 50% of patrons are drawn from the local community and would be walking or using other sustainable modes of transport to and from the site.

Minimal parking is provided on site i.e 1 space, and the surrounding roadways such as the High Road are subject to extensive waiting restrictions throughout the working day



and weekends. The Council's Highways Authority has advised that this in itself would deter parking on-street and encourage the use of sustainable modes of transport to and from the site. Neighbouring residential roads such as Whitefriars Drive are, however, devoid of such controls, although the road does have the provision of extensively wide carriage crossings throughout which inherently limit physical on-street parking availability. The Council's Highways Authority has advised the PTAL is in fact low in rating, but, in reality, the site is well served by a plethora of bus routes which further encourages a move toward use of sustainable transport thus helping to minimise reliance on private car usage.

As a result, the Council's Highways Authority has advised that the proposed change of use would be unlikely to generate any significant on street parking to a measurable degree, and be of detriment to this and other roads in the vicinity. To reinforce the aspect of promoting sustainable means of travel, it is required that a Travel Plan would be adopted following occupation of the site. The requirement for the Travel Plan, which would complement and be appropriate for this proposed change of use, would be secured by way of planning condition, which is recommended accordingly.

In addition, there should be one secure and accessible cycle space provided per 8 staff and patrons. On that premise at least six cycle spaces should be provided to conform to The London Plan (2011) standards. A planning condition is recommended accordingly.

In summary, the Council's Highways Authority has advised that, as any vehicle trip movements would be more so spread throughout the day as compared to the current use due to the 'time slots' for the proposed use, and for the reasons stated above, it is therefore considered there is no foreseeable reason on transport impact grounds to prevent the change of use proposed.

### **Accessibility**

Policy 7.2.C of The London Plan (2011) requires all future development to meet the highest standards of accessibility and inclusion. Saved Harrow Unitary Development Plan (2004) policies D4 and C17 similarly require development to meet the highest standards of layout and design, with particular reference to disability discrimination legislation.

The current property has two level threshold doorways, one of which leads to an existing disabled toilet. The applicant is proposing internal changes to provide a rising platform so as to provide a further access to the disabled toilets and the second entrance/exit.

### **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. The application is seeking permission for a Class D1 use, which in this case would be used for a religious organisation. However, the permission would allow any form of community based organisation to sue the premises.

### **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.

### **Consultation Responses**

The comments of the petition have been considered in the report above.

### **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 use shall not be open between the hours of 08.00 to 22.00 Monday to Friday, 08:00 to 21:00 on Saturdays and 10:00 to 21:00 on Sundays, 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 premises shall be used for education, training, counselling and a place of worship and for no other purpose, including any other purpose in Class D1 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).

4 Notwithstanding the submitted details, before the first occupation of the development hereby permitted, details of the facilities for the secure parking of six 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).

5 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).

6 No music or any other amplified sound caused as a result of this permission shall be audible at the boundary of any residential premises 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).

7 Notwithstanding the submitted details, before the first occupation of the development hereby permitted, a revised first floor layout plan shall be submitted, which indicates an office, storage or other similar use along the boundary with No.219 High Road. The development shall be completed in accordance with the approved details and retained there after.

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).

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

PSD1001A, PSD1002A, PSD1003, PSD1004A, PSD1005, PSD1006, Design and Access Statement

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 ground and first floors from restaurant (Use Class A3) to mixed use education, training, counselling and place of worship (Use Class D1) is considered to be acceptable in terms of its compliance with the Development Plan. The proposal would not result in the unacceptable loss of residential amenity for the neighbouring occupiers, or detrimentally impact upon the local highway network. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), the policies of The London Plan (2011), 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

3.1 – Ensuring equal life chances for all

- 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

### **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

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

- DM1 – Achieving a High Standard of Development
- 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:**

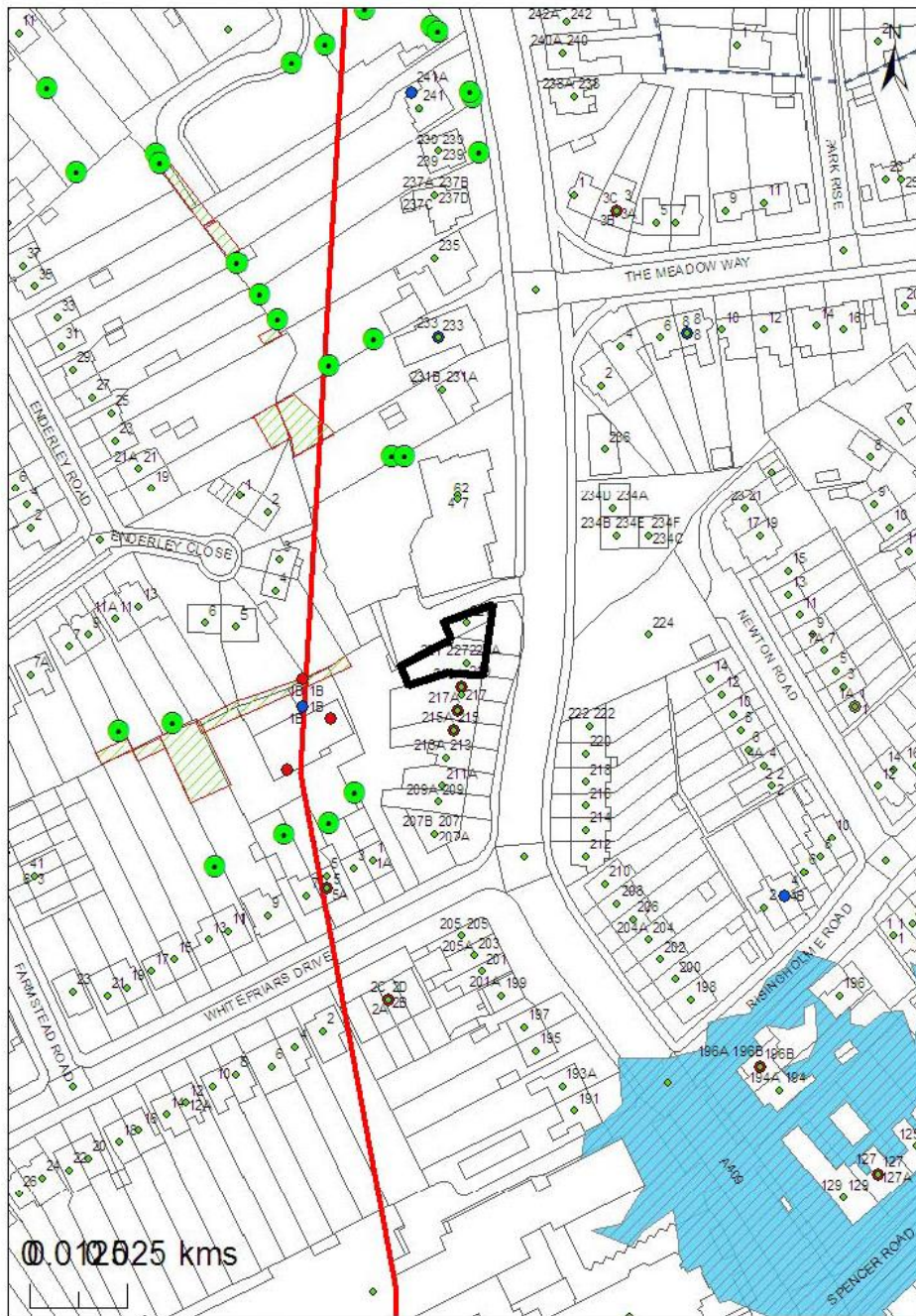
Supplementary Planning Document: Access for All (2006)

### **2 GRANT 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: PSD1001A, PSD1002A, PSD1003, PSD1004A, PSD1005, PSD1006, Design and Access Statement

**221-227 HIGH ROAD, HARROW**



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Item No: 2/12  
Address: 776 KENTON LANE, HARROW  
Reference: P/0517/13  
Description: VARIATION OF WORDING TO CONDITION 3 OF LISTED BUILDING CONSENT P/2110/12 DATED 28/09/2012 TO READ DEMOLITION WORK SHALL BE CARRIED OUT BY HAND OR BY TOOLS HELD IN THE HAND; AND IF POWER DRIVE TOOLS ARE REQUIRED, NAMED OPERATIVES TO CARRY OUT WORKS SHALL ILLUSTRATE THEIR APPROPRIATE SKILL LEVELS FOR USE OF DRIVEN TOOLS FOR REMOVAL OF MASONRY INVOLVING HISTORIC FABRIC TO THE SATISFACTION OF HISTORIC BUILDINGS CONSULTANT AND/OR ENGINEER  
Ward: HARROW WEALD  
Applicant: MR CIARAN HOROHOE  
Agent: HERITAGE COLLECTIVE LLP  
Case Officer: LUCY HAILE  
Expiry Date: 24/04/2013

## **RECOMMENDATION**

**GRANT:** The variation of wording to condition 3 (hand tools) in accordance with the development described in the application and submitted plans, subject to conditions for the following reason.

## **REASON**

The decision to grant the variation of the wording of condition 3 has been taken as the proposed variation would preserve the character and special interest of this Listed Building. The decision to grant variation has been taken having regard to the policies and proposals in the National Planning Policy Framework, the London Plan, the Harrow Unitary Development Plan and the Harrow Core Strategy.

## **INFORMATION**

The application is reported to the Planning Committee because it concerns a variation of wording of a condition attached to a Listed Building Consent for which there are no delegated powers of determination.

Statutory Return Type: 23  
Council Interest: None  
Gross Floorspace: N/A  
Net additional Floorspace: N/A

## Site Description

- Site comprises a vacant, Grade II listed detached dwellinghouse dating to the 16<sup>th</sup> century located amongst mostly 1930s semi-detached suburban houses.
- In an advanced state of decay, it has been listed on English Heritage's 'Heritage at Risk' register for several years due to its vulnerable condition.
- The two-bay timber-framed core is late medieval with high evidential values embodied within, although the list description reads: 'Probably early C18. Partially timber framed. Rendered. Two-bays, with narrow recessed entrance door between. Left bay of 2- storeys, one window with hipped tiled roof. Right bay, 2-storeys with upper-storey lit by small central dormer in hipped tile roof. Behind is a higher gabled rear wing with pantiling'.
- Site recently subdivided as part of an enabling development scheme under planning permission reference P/3505/10 (granted 2010) to provide a new detached single family dwelling house on the northern section of the site (776A Kenton Lane) not to be occupied until 776 Kenton Lane is restored.
- Exterior:
- 776 Kenton Lane's core extends along the southern boundary and comprises a two bay timber-framed core dating to the late 16th/early 17th century with pitched roof covered in pan-tiles. At front (eastern) and rear (western) ends are single bay late 18th century/early 19<sup>th</sup> century extensions. The western one has a hipped plain tiled roof and central dormer, whilst the eastern is similar but without dormer.
- A 2 storey wing was built to the north around 1880. It effectively doubles the western frontage, is square in plan, again of two storeys and with a pyramidal roof covered in plain tiles and is connected to the southern range by a through bay.
- Rough cast white painted cement render covers the elevations.
- Interior: In the northern range there is a single room at ground floor and first floor, and the southern range is divided into four rooms with the central two set either side of a brick chimney stack inserted through the timber frame which provides support to the building's structure.
- Historical Development/Significance
- The strongest and most apparent values attributed to 776 Kenton Lane relate to its medieval core, and it is this part of the site that is overwhelmingly of highest significance. It possesses strong evidential value with much surviving original timber framing reflecting Middlesex techniques and traditions of the late medieval period. It illustrates rural Middlesex prior to suburbanisation. It has potential to yield new information on a range of topics such as the original form and extent of the building, its use and the role of its fragmentary smoke bay.
- During the early 18th century the central chimney stack was added which is of significance. In the late 18th/early 19th century minor wall studs and infill panels were replaced with brickwork and lean to extensions were added to the east and west and in 1883 the render was added. The render and brickwork panels accelerating the ruination of the building since the render was not breathable and similarly brick infill panels caused damp and rot. In the late 1880s/1890s a new range was added to the eastern part, set to the north and connected by a through passage running east to west.
- The early and late 19th century additions hold relatively little heritage

significance and are of poor quality but have some historical value for illustrating the story of the house's sharp decline in status and reinterpretation in the 19th century. However, aesthetic values expressed in the craftsmanship and vernacular timber-framed construction of the late medieval core, have been harmed by the early 19th century gable extensions, the damaging interior alterations that occurred in their wake, and the architecturally indifferent and poorly constructed 1880 wing.

- Condition
- The medieval timber-frame whilst largely intact is heavily decayed so it no longer performs a structural role so urgent action is needed for this most significant fabric to survive.
- Damp has largely caused its decay due to: failures of roof covering and rainwater goods, lateral water penetration and cement render not allowing the building to breathe.
- The timber-frame is held and supported by brickwork/infill panels, ground floor walls and partitions, central chimney stack, external render and inserted props (some suffering decay).
- The condition of the two 18th century extensions is such that they are considered beyond practicable and economic repair.
- The full extent of disrepair to the timber frame will be unknown until the cement render, mortar and bricks to wallplates are removed.

### **Proposal Details**

- The proposal seeks for the variation of condition 3 (hand tools) which was attached to Listed Building Consent Approval Reference P/2110/12 dated 28/09/2012 to vary the condition 3 to ensure demolition work shall be carried out by hand or by tools held in the hand but if power driven tools are required named operatives to carry out work are required to illustrate their appropriate skill levels for use of driven tools for removal of masonry involving historic fabric to the satisfaction of historic buildings consultant and/or engineer

### **Revisions to Previous Application**

Following the previous decision (P/2110/12) the following amendments have been made:

- The proposal to use hand tools for demolition works but if power driven tools are required named operatives to carry out work are required to illustrate their appropriate skill levels for use of driven tools for removal of masonry involving historic fabric to the satisfaction of historic buildings consultant and/or engineer.

### **Relevant History**

P/2110/12 – Listed Building Consent: Demolition Of Existing Two Storey Wing And Single Storey Rear Projection; New Two Storey Side To Rear Extension; Internal And External Alterations To Facilitate Refurbishment Of Property As Single Family Dwellinghouse; Associated Landscaping, Parking and Access  
Granted : 28/09/12

### **Pre-Application Discussion**

- None

### **Applicant Submission Documents**



- Design and Access Statement

## **Consultations**

English Heritage responded on 11<sup>th</sup> April, 2013 to state 'this application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

## **Summary of Responses**

- N/A

## **APPRAISAL**

### **MAIN CONSIDERATIONS**

#### **Special Interest of the Listed Building**

The proposal seeks for the variation of condition 3 attached to Listed Building Consent P/2110/12 dated 28/09/2012 to ensure -demolition work shall be carried out by hand or by tools held in the hand but if power driven tools are required named operatives to carry out works will be required to illustrate their appropriate skill levels for use of driven tools for removal of masonry involving historic fabric to the satisfaction of historic buildings consultant and/or engineer. The condition is currently worded as follows:

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

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

The key consideration here is what, if any, impact would the change of condition to allow named operatives to carry out work using power driven tools if they illustrate their appropriate skill levels for use of driven tools for removal of masonry involving historic fabric to the satisfaction of historic buildings consultant and/or engineer. with respect to the reason the condition was imposed originally. The reason the condition was imposed was to protect the special architectural or historic interest of the listed house. The National Planning Policy Framework relevant policies are paragraphs 128 which states 'local planning authorities should require an applicant to describe the significance of any heritage assets affected'. Paragraph 131 states 'In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'; and 132 which states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be'.

Other relevant national and local policies are Harrow Core Strategy Core policy CS1 D which states 'Proposals that would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged'. London Plan policy 7.8 C states 'Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate' and part 7.8 D 'Development affecting

heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'. Saved Harrow UDP policy D11 remains relevant which states: 'the Council will ensure the protection of the borough's stock of Listed Buildings by B) only permitting alterations...that preserve the character and setting of the Listed Building and any features of architectural or historic interest which it possesses, both internally and externally'.

English Heritage raised no objections to the proposal. As long as named operatives who carry out work using power driven tools illustrate their appropriate skill levels for use of driven tools for removal of masonry involving historic fabric to the satisfaction of historic buildings consultant and/or engineer, this would preserve the special architectural and historic interest of the listed house. Power tools are needed to demolish in a reasonably timely and cost effective fashion the larger extensions to the building for which approval for demolition has been granted to allow access to repair the historic timber frame. Therefore the proposal would comply with NPPF paragraphs 131 and 132, London Plan policy 7.8 C and D, Harrow Core Strategy Core policy CS1 D and saved Harrow UDP policy D11.

## **CONCLUSION**

The decision to GRANT Listed Building Consent for the variation of the condition has been taken as allowing the condition to be varied to allow named operatives who carry out work using power driven tools illustrate their appropriate skill levels for use of driven tools for removal of masonry involving historic fabric to the satisfaction of historic buildings consultant and/or engineer, would preserve the special interest of the Listed Building in accordance with NPPF paragraph 131 and 132, the London Plan 2011 policy 7.8 parts C and D, Harrow Core Strategy policy CS1 D and the saved policies of the Harrow Unitary Development Plan set out below.

## **CONDITIONS**

1 Demolition work shall be carried out by hand or by tools held in the hand and if power driven tools are required, named operatives who would carry out the works shall illustrate their appropriate skill levels for use of driven tools for removal of masonry involving historic fabric to the satisfaction of historic buildings consultant and/or engineer, as agreed by the Local Planning Authority.

REASON : In order to preserve the special interest of the Listed Building in accordance with NPPF paragraph 131 and 132, the London Plan 2011 policy 7.8 parts C and D, Harrow Core Strategy policy CS1 D and the saved policies of the Harrow Unitary Development Plan.

2 The permission hereby granted is supplemental to Listed Building Consent reference P/2110/12 granted by the Council on 28/09/2012 save as modified by this consent the terms and conditions of the original consent are hereby ratified and remain in full force and effect.

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

## **INFORMATIVES**

### **1 INFORMATIVE**

The decision to grant Listed Building Consent has been taken as the proposal would preserve the character and special interest of the Listed Building and

having regard to the policies and proposals in the London Plan and the Harrow Unitary Development Plan set out below, and to all relevant material considerations, including any comments received in response to publicity and consultation, as outlined in the application report:

National Planning Policy Framework

Saved policy D11 of the Harrow Unitary Development Plan (2004)

Harrow Core Strategy (2012): policy CS 1 D

The London Plan (2011) policy 7.8

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 PARTY WALL ACT:

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

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

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

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from:

Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 4 COMPLIANCE WITH PLANNING CONDITIONS

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

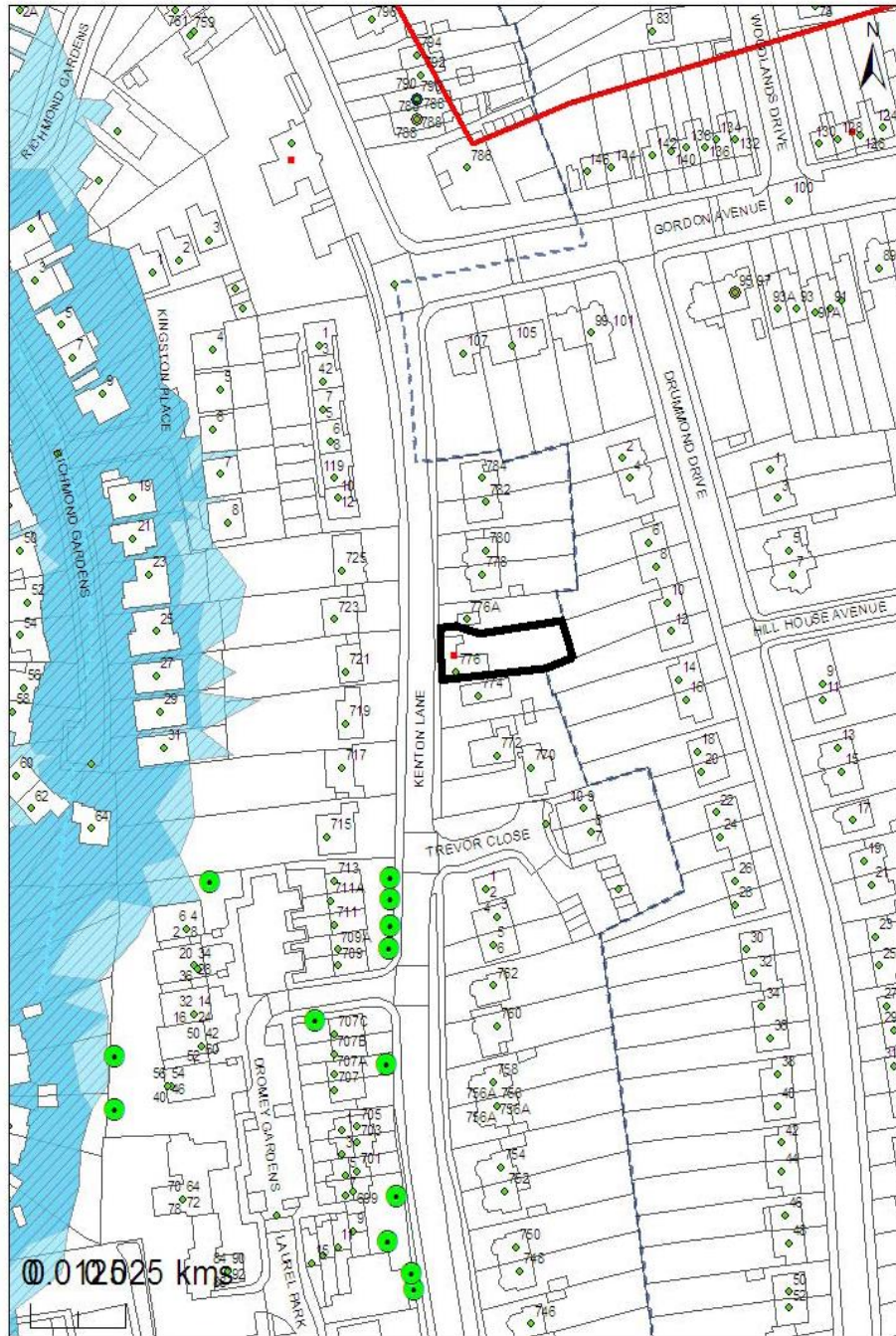
- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

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

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

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

**776 KENTON LANE, HARROW**



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## SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

Item No. 3/01

Address: BROADFIELDS, HEADSTONE LANE, HARROW

Reference: P/0304/13

Description CHANGE OF USE OF 2.2HA OF LAND (FORMERLY USED AS PLAYING FIELDS) TO TOURING CARAVAN AND CAMPING SITE (75 PITCHES); FORMATION OF ACCESSWAYS; CONSTRUCTION OF RECEPTION BUILDING AND WASTE DISPOSAL POINT; ASSOCIATED WORKS AND LANDSCAPING.

Ward: HEADSTONE NORTH

Applicant: HARROW COMMUNITY SPORTS LTD

Agent: LAMONT PLANNING ASSOCIATES

Case Officer: FERGAL O'DONNELL

Expiry Date: 26-JUN-2013

### RECOMMENDATION

**REFUSE** planning permission for the application described in the submitted plans, drawings and Environmental Statement for the following reasons:

1 The proposed development, by reason of its extent, the density and layout of pitches and inappropriate landscape strategy, would adversely affect openness and permanence and the visual amenities of the Green Belt and therefore amounts to an inappropriate development in the Green Belt. The very special circumstances advanced by the applicant do not outweigh the harm to the Green Belt and the development is therefore contrary to the National Planning Policy Framework 2012, policy 7.16.B of The London Plan and policy CS1.F of the Harrow Core Strategy 2012.

2 The proposed development, by reason of the loss of playing fields in the borough where there is an identified existing and future deficit in provision of playing fields, would have an adverse impact on existing and future provision of playing fields in the borough for residents, to the detriment of the health and social inclusiveness of the community, contrary to paragraph 74 of the National Planning Policy Framework 2012, policy 3.19.B/C of The London Plan and policy CS1.F of the Harrow Core Strategy 2012.

3 The proposed development, by reason of the physical constraints of the proposed access and egress points for the development on Broadfields, Headstone Lane and the junction of Headstone Lane and Broadfields and the difficulty in manoeuvring unwieldy vehicles within these constraints, would be likely to result in hazardous and obstructive vehicles manoeuvres, to the detriment of the safety of users of the highway network. The applicant has also failed to demonstrate that the site would not result in obstructive

queuing on the highway, to the detriment of the free flow of traffic and the safety of users of the highway network, contrary to policies 6.3A/B/C of The London Plan 2011 and saved policies T6 and T13 of the Harrow Unitary Development Plan 2004.

4 The proposed ancillary buildings, by reason of their utilitarian design and form, would result in an unsympathetic and obtrusive design form in an open setting, to the detriment of the character and appearance of the locality, contrary to policy 7.4.B and 7.6.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and saved policy D4 of the Harrow Unitary Development Plan 2004.

5 The proposed development, in the absence of an adequate survey to indicate the likely presence of bats on or near the site their behaviour patterns, would potentially have an adverse impact on the habitats of a protected species, contrary to policy 7.19.C/D/E of The London Plan 2011 and saved policy EP27 of the Harrow Unitary Development Plan 2004.

6 The proposed development, in the absence of an adequate Archaeological Assessment to assess the impacts of the setting of the Scheduled Ancient Monument and the impacts on the archaeological integrity of the monument from increased human interaction, would potentially have an adverse impacts on the heritage interest of the Scheduled Ancient Monument, contrary to policy 7.8.C/D/E of The London Plan 2011 and saved policy D19 of the Harrow Unitary Development Plan 2004.

7 The proposed development, in the absence of an adequate Flood Risk Assessment to demonstrate the sequential and exception tests have been applied and passed and the development would not result in adverse levels of surface water run-off, would potentially have an adverse impacts on the strategic flood risk strategy for the borough and flood risk locally, contrary to paragraph 100 of the National Planning Policy Framework 2012, policies 5.3.C, 5.12.B/C and 5.13.A 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.

#### **INFORMATION:**

This application is being reported to Planning Committee as the proposal constitutes development of significance and in the public interest and is therefore excluded by Proviso A of the Scheme of Delegation dated 14 March 2012

Statutory Return Type: The application is Environment Impact Assessment Development. The applicant has submitted an Environment Statement in accordance with Regulation 16 of the Town and Country (Environmental Impact Assessment) Regulation 2011

Council Interest: None

Gross Proposed Internal Floorspace: 126sqm

Net Additional Floorspace: 0sqm

GLA Community Infrastructure (CIL) Contribution: N/A as net additional floor area is less than 100sqm

#### **Site Description**

- The red-outlined application site comprises 2.2 hectares of land at the western end of Broadfields, with access between 220 and 230 Headstone Lane and a strip of land running to the rear of the properties on the western side of Headstone Lane. The total area of the Broadfields site (outlined in blue) is 8.9 hectares.

- Running from north to south, the application site would approximately divide in two equal linear strips the western and eastern parts of Broadfields.
- Broadfields and the application site comprise part of a larger expanse of open land which includes Pinner Park Farm to the north-west. The expanse of open space is designated as part of the Metropolitan Green Belt.
- The site is bounded by residential development at Broadfields and Randon Close to the north and by the rear gardens of the residential properties along Headstone Lane to the west.
- To the south, Broadfields is bounded by Pinner Park School and the allotments of Melbourne Avenue.
- A scheduled ancient monument [SAM], part of the Pinner Park Farm deer park, runs adjacent to the western boundary of Broadfields. The application site boundary is marginally inside this boundary.
- The English Heritage list description refers to this section of the SAM as:  
*“The bank along the eastern section survives over a distance of approximately 250m, averaging 7m in width and 1m in height although somewhat distorted by episodes of comparatively recent dumping. The inner ditch (approximately 3m wide and 1m deep) flanks the bank along the entire section. The outer ditch, however, has been completely infilled, presumably to increase the available land on the Sports Ground side.”*
- The SAM is today delineated by elevated ground, interspersed tree growth, brambles and thicket.
- Beyond the SAM is Pinner Park Farm, a site of nature conservation importance [SINC].
- Broadfields has historically been used for sports and recreational uses, most recently as football and cricket pitches.
- In terms of development on the site, there is a two-storey sports pavilion, currently used as a restaurant adjacent to the Broadfields entrance to the site. Together with a two-storey residential dwellinghouse, this building and the ancillary areas of storage form the bulk of built development at the northern end of the site.
- In the corner adjacent to the rear of No.'s 18 & 20 Randon Close, there are three concrete constructed outbuildings in a dilapidated state and two goods containers.
- At the south-western end of Broadfields, six all-weather pitches are located with floodlights.
- The remainder of Broadfields is an open land. The land is broadly flat.

### **Proposal Details**

- It is proposed to change the use of the 2.2ha of land that comprises the application site from playing fields to a touring caravan and camping site for 75 pitches. It is also proposed to construct a reception and facilities building with associated works and landscaping.
- The applicant proposes to provide access to the site in a one-way system, with access via the entrance between 220 and 230 Headstone Lane, around the rear of the pavilion and dwellinghouse and down through the site. Egress would again be via the rear of the dwellinghouse and pavilion and via Broadfields to the north of the site.
- It is proposed to demolish the existing outbuildings at the northern end of the site and construct a reception and management facilities. The building would be sited on much the same footprint as the existing buildings. It would be 9m in depth by 15m in width. It would have a shallow mono-pitched (almost flat) roof with an overall height of 3.5m.

- A small waste and disposal building of 5sqm is proposed adjacent to the office and reception area.
- The caravan pitches would be laid out in an oblong radial arrangement.
- An landscaping strategy proposes:
  - i. New planted hedges between pitches;
  - ii. buffer zones of trees and shrubs along the western, northern and eastern boundaries of the application site;
  - iii. Screen hedgerow strip along the backs of the residential gardens at Headstone Lane
  - iv. wildflower verge adjacent to the SAM;
  - v. deculverting the stream at the western end of the site to direct water into a man-made nature pond at the southern of the site;
  - vi. streamside trees, wetland and wildflowers and ditched banks;
  - vii. coppices at the south-western and south-eastern ends of the site

### **Relevant History**

LBH/470

ERECT CHANGING ROOMS AND TEA BAR

Granted: 23 September 1965

LBH/470/1

EXTENSION TO SPORTS PAVILION TO PROVIDE ADDITIONAL CHANGING ROOMS AND SHOWERS

Granted: 27 May 1970

LBH/470/6

ERECTION OF 4 THIRTY-TWO FT. HIGH FLOOD LIGHTS TO SIDE OF RUGBY PITCH

Refused: 09 November 1978

Allowed on Appeal: 19 November 1979

LBH/23051

ERECTION OF ONE 32FT. HIGH FLOODLIGHT

Granted: 11 April 1983

WEST/595/95/FUL

MULTI PURPOSE SYNTHETIC PITCH/TRAINING AREA TO INCLUDE 8 x 6.3m HIGH FLOODLIGHTING COLUMNS & 3m CHAIN LINK FENCE

Refused: 12 March 1996

Allowed on Appeal: 10 October 1996

WEST/779/01/CON

RETENTION OF EIGHT, 15 METRE HIGH FLOODLIGHTING COLUMNS

Refused: 22 January 2002

Allowed on Appeal: 23 July 2002

WEST/178/01/FUL

SINGLE STOREY INFILL EXTENSION, AND RETENTION OF SINGLE STOREY INFILL EXTENSION, TO PROVIDE FURTHER CHANGING ROOM FACILITIES AND ENCLOSURE OF VERANDA TO PROVIDE CHILDRENS PLAY AREA

Refused: 04 May 2001

Allowed on Appeal: 21 August 2001



WEST/33/02/FUL  
REPLACEMENT PAVILION WITH FUNCTION ROOM, MEMBERS BAR AND  
ANCILLARY  
ACCOMMODATION  
Granted: 11 April 2002

P/150/06/CVA  
VARIATION OF CONDITION 6 OF PLANNING PERMISSION WEST/33/02/P/FUL TO  
CHANGE OPENING HOURS (FROM 08:00-23.00HRS MON-SAT & 08:00-22.30HRS  
ON SUN) TO 08:00-23:00 MON-THU, 08:00-24:00HRS FRI-SAT & BANK HOLIDAYS  
AND 08:00-23:00HRS ON SUNDAYS  
Refused: 04 July 2006  
Part Allowed: 16 March 2007

The appeal was allowed in part and permits the use of the property from 0800 hours to 2300 hours on Mondays to Thursdays inclusive; from 0800 hours to midnight on Fridays, Saturdays and Bank holidays; and from 0800 hours to 2230 hour son Sundays.

### **Applicant Submission Documents**

- Environmental Statement;
- Design and Access Statement;
- Transport Report and Parking survey;
- Open Space Report;
- Phase 1 Habitat Survey and Biodiversity;
- Phase II Arboricultural Impact Assessment;
- Flood Risk Assessment;
- Archaeological Study;
- Landscape and Visual Impact Assessment

### **Consultations**

#### Highway Authority (summarised as follows):

#### *Traffic Generation / Vehicle Queuing on the Public Highway*

The applicant has not demonstrated a comparison between generated traffic flows and trip distribution for the lawful use against proposed activities in order to gain an understating of net impacts on the highway network.

The main aspect of concern is the lack of evidence of a robust site management and operational strategy which would enable adequate controls to be deployed toward minimising highway impacts particularly with regard to the manner of vehicle arrivals and departures which is a source of significant concern. The applicant highlights that a length of 200m would be available within the site itself to allow for queuing of vehicles with their caravans. In reality this would provide space for 13 -14 vehicles to stack within the site.

The applicant also infers that the majority of caravan activity would occur between the off-peak traffic hours of 10am to 4pm. However, it is also proposed to apply opening hours to the site (8am to 6pm) which would inherently prohibit 'early bird' arrivals entering the site thus potentially leading to undesirable and obstructive queuing/stacking of vehicles on Headstone Lane which in itself is physically incapable of supporting such obstruction without substantive impediment of traffic flows on the highway network.

#### *Queuing on Headstone Lane*

As the site is proposed to open from 8am and in the absence of a site management strategy there is significant potential for queuing to occur on Headstone Lane by early arrivals if the site has not been fully vacated with pitch non-availability resulting in highway obstruction.

#### *Queuing in Broadfields*

Double yellow lines placed in isolation are proposed in this road by the applicant with the aim to provide passing places for the cars/caravans leaving the site. However this action would result in a loss of parking spaces on the roadway which is unlikely to be favoured by the local residents as parking availability would diminish as a result. The delivery of such measures is therefore far from guaranteed as objections resulting from the Traffic Management Order (TMO) statutory advertising process may not be resolvable resulting in non- implementation. Hence this proposed solution is not recommended.

The physical width and parking on both sides of Broadfields raises the question of physical and adequate manoeuvrability through the road which the applicant would be required to demonstrate using the maximum size of caravan. It is accepted that some minor modifications to the existing double yellow lines may be required predominantly at the Broadfields/Headstone lane junction to assist in avoiding new waiting restrictions. If progress through Broadfields would be demonstrated to be achievable the applicant would then be required to ensure that departures through the road would occur off peak and be staggered over a period of at least one hour to avoid a potential stacking of emerging vehicles on the highway. An agreed site management plan would be key to this aim which again is absent.

#### *Physical Access and Egress*

The applicant has indicated that the site would be accessed via an existing access to the playing fields off Headstone Lane with vehicles leaving the site through an exit situated off Broadfields. However, they have not indicated as to how this arrangement would be conveyed to patrons arriving to the site as at this stage it would appear that a high degree of confusion could result leading to further undesirable impacts on the highway network. A signage strategy would therefore be required as part of the submission which is absent.

#### *Headstone Lane Access*

This is proposed to be a 'one way in' entrance to the site for all vehicles. In its present configuration it would be unable to accommodate turning movements associated with towed caravans given the potential 'worst case' vehicle lengths and widths. Accordingly the access requires substantial modification to allow effective discharge from the highway into the site which is a necessary requirement on traffic fluidity and safety grounds. Although sightlines are not the prime concern given the proposed 'one way in' arrangement, all efforts would need to be made to incorporate maximum improvements to sightlines in order to achieve improved inter-visibility between other vehicles and pedestrians on the highway.

#### *Broadfields / Headstone Lane junction*

Towed caravans emerging from Broadfields and turning right onto Headstone Lane are likely to encounter manoeuvring difficulties at this junction owing to the presence of a traffic separator which splits Broadfields into two. It is noted that within the ES it is stated that this right turn will not occur owing to the width restriction south of the site present outside of Pinner Park School in Headstone Lane which precludes southbound and indeed northbound caravan movements. However Pinner Park Avenue (linking Headstone Lane with Harrow View), located mid-way between site and the said width

restriction, can be used to avoid this restriction and hence the right turn out of Broadfields would be an available option for caravan patrons leaving the site contrary to the applicant's assumption. Arriving vehicles would also have the opportunity to use Pinner Park Avenue which seemingly has not been considered but which should have been picked up within the trip distribution analysis. The applicant would therefore be required to demonstrate how the above manoeuvre can be achieved within current highway constraints with remedies if this is not the case.

#### *Pedestrian Access*

In pedestrian terms the site is readily accessible by public transport which the applicant acknowledges. As part of marketing the site, sustainable travel should be promoted in the form of a travel plan administered by the site management company to encourage sustainable patronage travel modes.

#### *Conclusion*

In light of the above, the Highway Authority objects to the application as the applicant has failed to demonstrate that: 1) arriving and departing vehicles can satisfactorily enter and leave the site through the existing access provisions and adjacent adopted highway without physical impediment and; 2) the proposal would not potentially give rise to excessive and obstructive queuing of vehicles on the local highway network to the detriment of the free flow of traffic and safety for all road users

#### *Harrow Biodiversity Officer (summarised as follows):*

The ES does not provide adequate details as to the behaviour patterns of bats. However, it does identify 3 trees to the south-west '*unlikely to be affected*' with suitable features to harbour bats. This is part of the boundary tree belt which includes an historic pale and old oaks within its length. There is also a stream at the heart of the western section. This type of habitat scores highly in the Guidance for assessing the value of potential development sites for bats (Table 4.2 - Bat Surveys Good Practice Guidelines (2nd edition)). Such trees could well harbour bat roosts. Additionally, features such as these are very attractive to commuting bats passing between roosts and foraging grounds.

There is floodlighting provided for the artificially surfaced pitches to the south - if bats do commute along this corridor how well used they are is also likely to depend on the type and usage of this lighting. Notwithstanding the impact of any floodlighting, if principal bat commuting routes are significantly disturbed by light spill and some human activities associated with the development, this disturbance could hinder the animals' ability to feed and the conservation status of the species in the locality might suffer. This would contravene the Conservation of Habitats and Species Regulations 2010 and would be contrary to the Harrow Saved UDP Policy EP27 Species Protection.

#### *Harrow Landscape Architect (summarised as follows):*

In the short term the caravan and camping pitches would be highly visible from the houses adjoining the site, to the north and east in particular and partly to the south, Pinner Park Middle School and houses to the south. There would also be views from the land on Pinner Park Farm to the west, particularly in the late autumn and winter and early spring months. The pitches for the caravans/ camping (75 pitches) appear to be densely packed together and although visual screening using new native tree and shrub planting is proposed, this would take many years to establish and provide any filtering or screening benefits. At time of planting the native planting would have no softening or screening impact - native trees and shrubs are to be proposed planted at 800mm - 1.2

metres in height. These plants in the early years would appear as twigs, providing no screen or softening with green vegetation. In the early years there would be clear views of the proposed caravan park which would be aesthetically unattractive and visible both during both the day and at night (lights in the caravans and tent areas) and the low level lights.

The open character of the area would be closed down by the screen planting, surrounding the caravan park and the screen hedgerow backing onto Headstone Lane gardens, and a corridor or strip of grass / sports pitch would remain - 100 metres wide - between the hedges. The linear screen hedges would form a barrier or "green wall" to the existing more open views, changing the open character of the area. As the years pass, the screen planting would grow and become dense, particularly with the understorey of native shrubby plants infilling under the native tree species. If the proposed tree and shrubs contain evergreen and deciduous species the screening over time would be even more effective in cutting views, containing the space and changing the open character of the area. The Landscape and Visual Impact Assessment report states that by Year 15 the development would be barely perceptible to the naked eye and the new hedgerow plants would be the main focus from the views (for properties in Headstone Lane and Barmor Close). By year 15 it would be likely for the views of the caravan park to be screened or almost completely screened, - cutting off the long views that exist at present and resulting in a change to the open character of the area.

The proposed screen hedgerow adjacent to the rear gardens of Headstone Lane (to the east of the site) would over time change the views from the gardens, closing down the existing open views over the grassed sports pitches and agricultural pasture, broken up by the tree lined boundary.

The possible introduction of a proposed new public footpath, to provide a green link - connecting Headstone Manor to Pinner Park Farm would be welcomed, as long as the footpath was designed within the character of the existing landscape, to be an interesting route within a very wide swathe of landscape, away from the caravan site itself. Any footpath connection should not simply be a straight and narrow cut through footpath route, squeezed across or adjacent to the caravan park, without any particular design or consideration of the surrounding landscape.

The proposed native planting would be appropriate for the character of the landscape and over time should grow and provide softening/ screening for the pitches / caravans. The proposed planting and a pond area would over time enhance the biodiversity of the area. On the other hand, the proposed increased and intense human activity in the area could have a detrimental impact on the existing landscape, wildlife and vegetation and visually for some years the site would not be softened or screened by vegetation. To provide an effective screen a broader and more informal edged belt of planting (curves of planting with a scalloped edge) should be proposed around the caravan site and, all the individual pitches within the site could all be screened by hedge planting, and more tree planting. This would reduce the number of possible pitches but provide a much more natural and informal appearance. However, even with increased widths of buffer planting and more hedge and tree planting within the site, the existing open character of the area would be changed and the landscape would become much more enclosed and over time as the trees and shrubs grew bigger, the longer views would disappear.

*Harrow Drainage Team (summarised as follows):*

Objection on the basis of the failure to provide: details of permission to connect to

Thames Water public sewers; failure to demonstrate that discharge of water from the site would not exceed 5l/s; full details of drainage outlet and cross sections; full details of flow restrictions that are proposed; full design of soakaway in line with BRE publication Digest 365 along with results of ground permeability

Harrow Environmental Health Team (summarised as follows):

The applicant has failed to submit a detailed site management plan for the site detailing how the site would be managed and controlled if and when permission is given. Eg: The caravan site owner should undertake on an annual basis an audit, to confirm that each caravan unit owner has a permanent off-site address and that they are not occupying the caravan unit as their main place of residence. This information should be kept on site ready for inspection by the Local Authority.

The Applicant has failed to supply a sufficient risk assessment for their Private Distribution Network as classified by the Private Water Supplies Regulations 2009. We are also concerned on the traffic impact on the locality and possible traffic congestion during peak use of the site. Given the above concern environmental health feel the application should be rejected at this time until satisfactory information is submitted.

There should minimal effects from noise and odours the site benefits from having an existing waste contractor and should be dealt with sufficiently. If the application is granted, no occupation should take place until a 'site Operation License' pertaining to 'Caravan Sites and Control of Development Act 1960 is obtained from the licensing authority.

Transport for London

TfL have **no** strategic transport issues with his application and therefore have **no** comments to make.

Sport England (concludes as follows):

Sport England **strongly objects** to the proposal because is not considered to accord with Sport England's playing fields policy and is contrary to the National Planning Policy Framework by virtue of the fact that the significant amount playing field lost will not be replacement elsewhere and there is a clear sporting need to retain the site in sporting use as formal playing field.

English Heritage (summarised as follows):

Preliminary appraisal of the site with reference to the Greater London Historic Environment Record indicates that this application for planning permission warrants further consideration due to its scale and location on open ground adjacent to a scheduled monument (Pinner deer park National Monument Number 29448) and to Pinner medieval deer park archaeological priority area. An archaeological assessment has been submitted with the application but it is restricted to consideration of the physical impact of development on the scheduled monument. It is not compliant with good practice as no search has been made of the Greater London Historic Environment Record nor does it consider the effects on the scheduled monument through development in its setting (in accordance with EH guidance) nor the potential for the development to affect as yet unrecorded below ground archaeological remains. With reference to Section 12 of the NPPF I therefore recommend that the applicant is required to provide a revised archaeological assessment which satisfactorily addresses these points before any decision on the planning application is taken. Once the full impact of the proposal on heritage assets has been defined (including consideration of their setting)

a decision can be made.

*Supplemental comments from English Heritage Inspector of Ancient Monuments*

With specific reference to the scheduled monument that whilst the proposal does not physically impact upon the monument, there is no assessment of setting, and there are serious concerns about the closeness of the development and boundary planting. This is likely to obscure the monument and its linear nature, making it difficult to appreciate. An assessment of the impact of the proposal on the setting of the monument, and consideration given to reducing the scope of the development adjacent to it should also be made.

Environment Agency (summarised as follows):

In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to the grant of planning permission and recommend refusal on this basis.

The FRA submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guidance to the National Planning Policy Framework. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. This is contrary to your draft Development Management policies 16 and 17 and polices 5.3, 5.12 and 5.13 of the London Plan.

In particular, the applicant has not demonstrated that the infiltration rate and storage volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided on site.

Greater London Authority Stage 1 response (conclusion summarised as follows):

The application complies with some of the policies of the London Plan but not with other and on balance, does not comply with the London Plan. The principle of development in the Green Belt is acceptable. The proposed scheme does not comply with the London Plan as it involves the loss of playing fields. The applicant should work with Sport England to resolve the outstanding issues to their satisfaction. No strategic issues in relation to design or transport issues. No strategic issues in relation to biodiversity or access issues but they should be addressed in the proposal or by condition.

London Parks and Gardens Trust (summarised as follows):

- Loss of Green Belt should always be strongly resisted
- Present sports ground are part of a buffer to Pinner Park, helping maintain the important sense of openness as well as the deer park and connection to Headstone Manor

Hatch End Association (summarised as follows):

- Object to the loss of a playing field based on the fact that young people would have fewer opportunities for sport and a lost opportunity
- Development would result in a loss of openness of the Green Belt
- Poor Access to the site and Traffic Generation arising from the development
- Digging on the site associated with camping and tenting activities would have an adverse impact on the Scheduled Ancient Monument
- There should be electronic gates at the entrance and exit if the office is unmanned to ensure security and lighting should be low level if the application were granted

The London Green Belt Council (summarised as follows):

- Object to the development as inappropriate development in the Green Belt
- Negative impacts on the openness of the Green Belt
- If permitted, there should be robust conditions on the length of time individual caravans are allowed to remain on the site to ensure the site is not quasi-residential

Harrow Football District (summarised as follows):

- Unfortunate Council is contemplating this and it should be used for football practice and other events

**1<sup>st</sup> Advertisement:** Departure from the Development Plan; Major Development; Environmental Impact Assessment Development; General Advertisement  
**Expiry:** 11 April 2013

**1<sup>st</sup> Site Notice Erected:** 14 March 2013  
**Expiry:** 04 April 2013

**1<sup>st</sup> Notification**

Sent: 709  
Expiry: 02 April 2013

**Neighbours Consulted:**

Altham Court, Broadfields: 1-8  
Broadfield Court, Broadfields: 1-4  
Parkfield House, Broadfields: 1-45  
Oak Tree Court: 1-12  
Laura Court, Parkfield Avenue: 1-8  
Verwood Road: All properties  
Parkfield Avenue: 16-90 (even), 23-63 (odd)  
Parkfield Crescent: 1-28, 29, 30, 32  
Parkfield Gardens: All properties  
Holmwood Close: All properties  
Barmor Close: All properties  
Broadfields: All properties  
Pinner Park Avenue: 36-100(even), 29-95 (odds)  
Randon Close: All properties  
Headstone Lane: The Lodge at Broadfield Sports and Social Club; Broadfields Sports and Social Club, Headstone Lane Sports Ground, Mount Pleasant House, Headstone Lane Railway Station, 103-209 (odds), 130-298 (even)  
Greystoke Avenue: 8  
Almond Way: All properties  
Barmor Close: All properties  
Temsford Close: All properties  
Manor Park Drive: 4-46 (even)  
Fulbeck Way: All properties  
Willow Court, Fulbeck Road: 1-10  
Fernleigh Court: All properties  
Melbourne Avenue: Pinner Park Infant and Nursery School, 25, 26, 27, 28, 29, 30, 31, 33  
Greystoke Avenue: 1a, 1b, 2, 3, 4, 5, 6, 7, 9, 10, 12  
Pinner View: The Pavilion, Headstone Manor Recreation Ground

A second consultation period was conducted to correct the advertised site address from HA3 6NN to HA2 6NN

**2<sup>nd</sup> Advertisement:** Departure from the Development Plan; Major Development; Environmental Impact Assessment Development  
**Expiry:** 18 April 2012

**2<sup>nd</sup> Site Notice Erected:** 28 March 2013  
**Expiry:** 18 April 2013

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

Sent: 709

Expiry: 26 April 2013

**Neighbours Consulted:**

Altham Court, Broadfields: 1-8

Broadfield Court, Broadfields: 1-4

Parkfield House, Broadfields: 1-45

Oak Tree Court: 1-12

Laura Court, Parkfield Avenue: 1-8

Verwood Road: All properties

Parkfield Avenue: 16-90 (even), 23-63 (odd)

Parkfield Crescent: 1-28, 29, 30, 32

Parkfield Gardens: All properties

Holmwood Close: All properties

Barmor Close: All properties

Broadfields: All properties

Pinner Park Avenue: 36-100(even), 29-95 (odds)

Randon Close: All properties

Headstone Lane: The Lodge at Broadfield Sports and Social Club; Broadfields Sports and Social Club, Headstone Lane Sports Ground, Mount Pleasant House, Headstone Lane Railway Station, 103-209 (odds), 130-298 (even)

Greystoke Avenue: 8

Almond Way: All properties

Barmor Close: All properties

Temsford Close: All properties

Manor Park Drive: 4-46 (even)

Fulbeck Way: All properties

Willow Court, Fulbeck Road: 1-10

Fernleigh Court: All properties

Melbourne Avenue: Pinner Park Infant and Nursery School, 25, 26, 27, 28, 29, 30, 31, 33

Greystoke Avenue: 1a, 1b, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12

Pinner View: The Pavilion, Headstone Manor Recreation Ground

**Summary of Responses:**

- Objections (415)
- Petition of Objection No.1 (38 signatures)
- Petition of Objection No.2 (3,390 signatures)
- Support (1)



## **Objections (415):**

### *Loss of Green Belt*

Green belt should be retained; Development contrary to development plan as would reduce openness and opportunities for access for recreation and outdoor sports in the Green Belt; Traveller sites are inappropriate development in the Green Belt; Overdevelopment and encroachment on the Green Belt; Owner has tried to remove Green Belt land status; Caravan park has the same implications for Green Belt policy as a traveller site;

### *Loss of sports facilities*

Loss of sports field; Playground used by children would be lost, resulting in health impacts; Owners have sought to reduce use of playing pitches but this does not reflect a decline in demand for sports pitches in the area; Harrow has already lost too many playing fields; Until recently sporting use of the field flourished but owners have chosen to phase out the use of sports despite having a purpose built pavilion, changing area and bar area; Location should be used as sports and leisure recreation area; Green fields need to be maintained for the ever expanding community; Local teams forced to relocate after harassment and hostility from the owners; Understand from local residents that the companies' excessive pricing policy made it impossible for many organisations to use the football pitches; Question why fields cannot be improved as a recreational centre; Format of youth football to change which will place a demand on sports pitches; Legacy of uptake in sport should not be stifled by a lack of appropriate land; Use of the fields stopped once inflated hire costs were introduced; Reduction in sports activities on the site, not because of reduced demand by local sports teams, but because the site operators have apparently discouraged it

### *Character of the Area*

Development would be out of character with the residential nature of the area; Negative visual impact of development; Transportation Statement implies that caravans may be stored on site and if so, where?; Architecture of new ancillary blocks is utilitarian without architectural sympathy

### *Transport, Highway Safety and Access*

Broadfields is a narrow exit point and would prove difficult for caravans; Issues of access to the site; Increased traffic problems arising, especially considering the close proximity of Pinner Park School; Existing parking issues on Headstone Lane will be exacerbated; Headstone Lane is not a suitable location for large vehicles; Entrance on Headstone Lane is dangerous when used by cars and will be more dangerous when caravans are being used; Existing permission at the Kodak site will exacerbate traffic issues; Tailbacks from vehicles entering and exiting the site; Difficulties for caravans reversing; Issues with sight lines and blind spots; Bridge at Headstone Lane was considered long ago not to be strong enough for large vehicles; Caravans would not be able to negotiate the tight bends; Width restriction provided exactly to prevent vehicles of the size of caravans from using the road; Broadfields already heavily parked with commuter's cars; 5 schools in close proximity to the site which increases traffic pressures; Assumptions of Transportation Statement not based on robust evidence; Assumptions in relation to caravans leaving at peaking hours is guesswork; Trip surveys for other sites out of date; Where would the cars displaced by double yellow lines park?; Only room for one vehicle to pass through Broadfields; Broadfields egress with oblique sightlines and inclines is not designed for such use; Traffic assumptions biased as conservative; Naïve to think being notified of width restriction at time of booking will be sufficient; Potential of CPZ being imposed around Hatch End station which will result in commuters migrating parking to

areas close to Headstone Lane station; Traffic Impact Assessment fails to take account of extant community; Taking away six parking spaces from Broadfields is not workable; Broadfields is difficult to travel along as it incorporates a bend; Broadfields and Headstone Lane both have significant inclines and it is difficult to see traffic at a distance; Arrivals are unlikely to be as spread out as suggested by the applicant. Estimate also fails to deal with whether an effective site management system could be put in place to cope with problems arising from the development; Evidence of illegal parking in Bridleway adjacent to Headstone Lane station by commuters due to parking demand along Broadfields; Confusion and transport issues will arise if people do not adhere to one-way system; Roads are narrow and increased traffic will severely impact on emergency services trying to gain access to the surrounding area

#### *Noise and Disturbance*

Noise generated; Lighting will be an eyesore; Noise arising from caravans as a result of the playing of music; Noise methodologies not offered;

#### *Biodiversity and Ecological Issues*

Development will negatively impact on wildlife and plant life; Tree Sparrows have been identified previously in the area but reports do not refer to this; Note timing of bat report in December when bats are not in evidence and nesting birds are not seen

#### *Need of Tourism facilities and appropriateness in this location*

Caravan and Camping Club unlikely to approve of this site given the access restrictions; Little to attract tourists in this location; Harrow is not a tourist area; Financial implications are not a reasonable reason to change the use; Development not suited to a highly residential area; No market research to indicate such a use is needed; Company has done nothing to address the financial issues they plead; Question whether the Camping and Caravanning Club would franchise the site given the financial state of the applicant; Assumed demand is not based on evidence

#### *Impact on Scheduled Ancient Monument*

Scheduled ancient monument should be preserved; Proposal would damage the scheduled Ancient Monument of the 'deer leap'; English Heritage put the monument adjacent to the site as a 'monument at special risk'. Plans for the proposals but it at further risk; No means to judge the applicant's assumptions on the archaeological impacts;

#### *Drainage Issues*

Issues of drainage on the site; Intensive use of the site will mean current drainage systems would be overloaded;

#### *Local Benefit*

No benefits arising for residents from the proposal

#### *Crime, Safety and Environment*

Hazards arising from storage of gas containers; Security risk to residents; More crime arising in the area; Development will increase litter levels; Increase in pollution and noise pollution; Query as to how park will be policed; Burglary problem in the area would be exacerbated; Problems with refuse arising; Increased parking emissions; Plastic surfacing proposed will be inadequate and hardsurfacing will replace this; Planting will provide cover for burglars; Loss of views; Odour arising from refuse; Evidence that sites of this nature lead to increase crime and anti-social behaviour; Concerns in relation to the

safety of school children – this should be a priority; Caravans would be much better placed on brownfield sites; Elderly care home and vulnerable people on Headstone Lane which would be affected by the proposal; No management plan which covers issues of security; Odour impacts appear optimistic; No assessment of light spill and human activity on fauna; Waste will attract vermin; Playground of Pinner Park School backs the site and application poses a security risk; Will people be CRB checked before allowed to go on the site given the close proximity of the site to Pinner Park School; Cooking and barbeque odours; Caravan park will affect the reputation of the borough as a safe place; In light of cuts to spending to policing, there is a concern around security issues, especially given the issues around the existing management of the site;

#### *Community*

Temporary people on the site does not foster a sense of community; NPPF encourage local democracy to prevail; No economic benefit to the residents of Harrow; Developer's assertion that there is no individual right to a view sums up the developers approach to amenity value; Camping and caravan park not mutually conducive uses; Development would not promote healthy lifestyles; Proposals will change demography of the area;

#### *Property Prices*

Property prices will go down as a result of the proposal; Planning blight would affect property values;

#### *Gypsy Site and surmised use*

Understand that the application will be a gypsy site; Naïve to think development would not be used by travellers; Housing development on the site will follow; Likely that owner would apply for permanent mobile homes; Site will simply become a permanent settlement leading to environment and anti-social issues; What controls are available from the Council to stop the use becoming the storage of caravans?; Dishonest representation of the proposed use of the land; Proposal silent on impacts of itinerant caravan communities using the site;

#### *Planning History of the site and other sites*

Previous planning permissions on the site have not been adhered to; Existing permission at the Kodak site will exacerbate traffic issues; Pavilion operating as a restaurant rather than ancillary to the sports field; Already lost playing pitches from Kodak development; Recent demolition works have not been removed from the site, rather they have been buried on the site; Site has been used for sporting use since 1913; Current management of the site whereby hardcore and tarmac is dumped adjacent to the ancient monument raises queries as to the future management of the site; Trees have been cut down on the site; Development of the former Petrol Station site will increase parking demand and traffic;

#### *Infrastructure*

Development would not add provide financial contributions towards Council tax, Water rates or emergency services; Increased signage and yellow lines should not be at the tax payer's expense; Development would stretch current resources; Greater pressure on local schools; Will extra policing be required and if so, who would pay for this?;

#### *Inconsistencies and inaccuracies in application*

Factual inaccuracies in submission in stating that there are a number of crossing points; Transportation Statement flawed as it only refers to surveys on three days, evidence is not robust and statements are not qualified by evidence; No company registered as North

West London Caravan and Camping Ltd at Companies; British Caravan Club and Caravanning and Camping Club unaware of application;

**Petition No.1 (38 signatures) from Parkfield House residents:**

*“Parkfield House is a peaceful and harmonious community. Its residents have worked solidly all their lives and now, in their autumnal years, very much treasure the semi-rural tranquillity of this location. They therefore strongly object to any potential disruption of the status quo. Unfortunately the establishment of a caravan park and camping site would, given its proximity to their living space, represent just that. Noise is an obvious issue. Who for example would therefore be there to explain loud music thrashing out at an impromptu midnight barbeque is unacceptable? Or that honking on a car horn at a similar time is likewise a nuisance.*

*I must ask, given the influx of hundreds of ‘strangers’ into such a small community, who vets their motivation or intentions on hiring such a facility? Doubtless 98% would be blameless would mean harm to no one. Alas, Parkfield House has been the target of all too many ‘conmen’ and other undesirables. The notion of importing, via this scheme, just 2% of the aforementioned is very worrying. (NB many of Parkfield’s residents are highly vulnerable and elderly all living in this sheltered accommodation).*

*Traffic congestion in an area as cramped as this is quite severe. Any addition to the problem would be most unwelcome. Also there is the issue with the junction by Headstone Lane Overground station. This is a notoriously hazardous spot. I myself have witnessed a dozen ‘near misses’. Adding volume to traffic using this junction, by drivers ill acquainted with this area, is a recipe for disaster.*

*In conclusion, I empathetically oppose the proposed development and trust that you will give this plea due and fair consideration.”*

**Petition No.2 (3,561 signatures):**

*“This is a petition in opposition to planning application No: P/0304/13.*

*We, the undersigned, are entirely against the proposed planning application P/0304/13 for change of use of part of the Broadfields playing fields, located within a green belt area, to a touring caravan and camping site.”*

**Support (1):**

- Excellent idea, would use a fading sports centre to provide tourist accommodation within the borough
- Could bring money into the local economy

**APPRAISAL**

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

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

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

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

#### Emerging Development Plan Document: Development Management Policies [DM DPD]

The DM DPD which forms part of the Local Development Framework [LDF] is at a very advanced state of preparation with the consultation period after the Examination in Public [EiP] running from 21<sup>st</sup> March 2013 until 3<sup>rd</sup> May 2013. In line with NPPF paragraph 216 and in light of the fact that there are no real substantive unresolved issues with regards to any of the policies of the DM DPD nor has there been significant representations received in the final consultation before the DPD is adopted as part of the LDF, it is considered that these policies can be afforded substantial weight in the consideration of planning applications.

### **MAIN CONSIDERATIONS**

#### **Principle of Development, Development within the Green Belt and Land Uses**

##### *Spatial Strategy*

The adopted National Planning Policy Framework [NPPF] has brought forward a presumption in favour of "sustainable development". The NPPF defines "sustainable development" as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF sets the three strands of sustainable development for planning to be; to play an economic, social and environmental role. The NPPF, following the deletion of the Planning Policy Statements and Guidance Notes, continues to encourage the effective use of land by reusing land that has been previously, recognising that "sustainable development" should make use of these resources first.

The adopted Harrow Core Strategy 2012 [CS] sets out the spatial vision for the borough and in the context of the principle of development proposed here, the objectives of the CS seeks to resist the loss of open space and where possible increase provision, enhance residents' access to open space and recreation facilities and promote job creation and business growth.

##### *Development within the Green Belt*

The site forms part of the Metropolitan Green Belt and is part of the wider expanse of open land which includes Pinner Park Farm to the north-west and bounded the settlements of Pinner and Hatch End to the west and north, Headstone to the east and North Harrow to the south.

Paragraph 81 of the NPPF states that "*local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land*". The NPPF also repeats the now superseded guidance of the Planning Policy Guidance 2: Green belts [PPG2] and states that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF also sets out what is not "inappropriate" development and in the context of this application, development is not inappropriate if it is for the "*provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*". Paragraph 89 of the NPPF also refers to new buildings in the

Green Belt. Exceptions to inappropriate development are: *“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”*.

In the Design and Access Statement [DAS] the applicant in the Planning Assessment marries these two clauses and states that *“the provision of appropriate buildings for outdoor recreation and replacement buildings for the same use and being not materially bigger are acceptable in the Green Belt”*. However, this does not acknowledge that the buildings would not be for the same use, nor does it make an assessment as to firstly, the appropriateness of the use, and secondly, the impact of built development on the Green Belt independently. The applicant also refers to the scale of the existing buildings stating *“the new reception building plus the waste water disposal building are of a lesser floor area and volume than the present group of buildings ... so that the openness of the Green Belt will improve in this respect, such that a very special circumstance within the terms of the NPPF, exists. And buildings to enable recreational use are acceptable in the Green Belt.”*

The policies of the NPPF in terms of recreational development in the Green Belt are clear in seeking to support opportunities for access to the Green Belt through sport and recreational activities. In accordance with paragraph 81 of the NPPF, the principle of this proposed recreational use in the Green Belt would not be “inappropriate” provided that it preserves the “openness” of the Green Belt and does not conflict with the purposes of including land within it. Development plan policies of The London Plan 2011 [LP], the CS and the Harrow Unitary Development Plan 2004 [UDP] as well as the policies of the emerging Development Plan Document: Development Plan Policies [DM DPD] are consistent with the NPPF in terms of uses in the Green Belt.

#### *Openness and Visual Amenities of the Green Belt*

The applicant has not made an explicit assessment of the impact of the development on the openness of the Green Belt, but has provided a Landscape and Visual Impact Assessment [LVIA] to support the Environmental Statement [ES]. The LVIA informs a strategy of mitigation and change to the environment by landscaping the site and surrounds. Paragraph 4.3.3 of the LVIA recognises that the *“change in land use would generate an impact on the landscape character of the site, although the changes would not be experienced to any detriment from public viewpoints. These impacts have been addressed through sensitive and careful positioning and layout of the site, and through the addition of new and structural native planting.”* However, the LVIA and the Open Space Statement, which primarily deals with issues of open space availability in the borough and is discussed further below, fail to acknowledge *“the essential characteristics of the Green Belts are their openness and permanence”* as outlined at paragraph 79 of the NPPF.

The LVIA proposes substantial new screen planting to reduce views to the application site from views from surrounding areas. The biodiversity and ecological impacts on these strategies are considered in the further detail below. However, in terms of impact the openness and visual amenities of the Green Belt, the proposals would give rise to significant adverse impacts on “openness”. The provision of central buffer zone, a mound with hedgerows with a coppice and the screen hedgerows adjacent to the rear gardens of the properties along Headstone Lane would introduce clearly defined, linear barriers to the open expanse of the site. These features would have readily identifiable man-made qualities which would segregate the site into distinct linear parts and undermine the purposes of the inclusion of the site within the Green Belt. Buffer zones to the west and north of the site would heighten this sense of enclosure. Views from within and into the

site, whether private or public, would be significantly restricted or entirely absent and the qualities of the Green Belt would be permanently eroded.

The LVIA also confirms that the mitigation strategy would be fully matured within 15 years of implementation. However, in the years before this and particularly in the early years of the implementation, the mitigation strategy would have little or no effect as the trees and shrubs would be planted at 0.8 – 1.2m in height. Though the applicant indicates that the site would have relatively generous pitch space standards, the pitches would nonetheless appear relatively densely grouped. It is acknowledged that the touring nature of the site means caravans, tents and motor homes on the site would be transient. Nonetheless, the transient nature of development would not be apparent as vacant pitches would quickly become occupied again and the effect on the openness of the site would be continuous. It is also acknowledged that the activities associated with the use would primarily be concentrated in the late spring, summer and early autumn months. However, these effects would be continuous yearly and would have significant impacts on the permanence and openness of the Green Belt over these months.

For these reasons the openness, permanence and visual amenity of the Green Belt would be adversely affected by the development proposal in the short term, by the impacts on caravans, tents and motor homes on the site, and in the longer term, by the adverse effects on the landscaping of Broadfields.

Officers consider that the impact of the proposals means that development would not satisfy the provisions of the NPPF, policy 7.16 of the LP, policy CS1.F of the CS and policies DM16 and DM17 of the DM DPD. The development would not preserve the openness of the Green Belt, conflicts with the purposes of including land within the Green Belt and therefore represents and inappropriate development in the Green Belt. The single “very special circumstance” argued by the applicant for the development, is not considered sufficient to outweigh this harm.

In respect of the impacts of the built development on the site, the reception building and waste and water disposal building would not be materially larger than the buildings these would replace and accordingly, these structures would not have any greater impact on openness. Further consideration of the appearance of the building on the landscape is provided in Section 2 of the Appraisal below.

The applicant makes reference in the Transport Assessment to future tourists storing caravans on the site, rather than making individual journeys to and from the site each time they visit. The lawfulness of storing caravans on the site is unclear without specific evidence and this assumption is therefore discounted in this assessment.

#### *Loss of Sports Pitches*

The application site is now vacant but has a lawful use as playing fields. The applicant contends that the use of the site as playing fields last occurred in 2008 but does not provide a specific date. Consultation responses from Sport England, however, indicate that the Football Association [The FA] have confirmed that the site (the entire Broadfields site) was used heavily in the very recent past and marked out as 6no. football pitches in the winter months and 4no. cricket pitches in the summer. Sports England’s responses indicates that The FA have confirmed that there is no current sporting activities on the site and this is because the users were displaced last year after the site was sold to new owners which appears to conflict with the applicants assertion of the most recent use of the land. Aerial photos of the site supplied by Sport England, most recently in dated

February 2012, also indicate that the site is marked out for playing pitches. Some of the representations received from neighbouring occupiers appear to confirm the view of Sport England that sports users of the site have been displaced by excessively high rental rates. The Town and Country (Development Management Procedures) Order 2010 provides the definition of a playing field as land which has been “used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped ...”. From the evidence provided by Sport England, it appears clear that site was recently used a ‘playing field’ and the application is assessed on this basis. In the introduction to the Open Space Statement, the applicant acknowledges the change of use from playing fields to a site for touring caravans.

The NPPF recognises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 74 of the NPPF places significant protection on open space, sports and recreational buildings and land, including playing fields and states that these should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreation provision, the need for which clearly outweighs the loss

The Broadfields site is designated as Green Belt for its strategic significance. However, the site has a dual purpose as open space for recreation and sport and in this light it is considered that the spirit of policy DM18 of the DM DPD, which highlights the value of open spaces as places for people to participate in sport, play and informal recreation, is relevant to this application. This policy states that “*proposals for the inappropriate change of use of open space will be resisted*”. This is consistent with the NPPF and policies 3.19.B and 7.18.B of the LP.

As is advocated in the companion guide to PPG17, ‘Assessing needs and Opportunities’ which remains extant, the Council has conducted surveys on the provision of open space and sports facilities in the borough in 2005 in 2011. The most recent PPG17 study has informed the Council’s recently adopted Outdoor Sport Strategy 2013 which provides further guidance on the future requirements of the borough in terms of sports facilities in the borough. At paragraph 4.11 of the CS, the CS indicates that there is 1,334 hectares of open space in the borough but the PPG17 assessment demonstrates that there are considerable variations in the level and quality of provision across the borough and identifies significant shortfalls in the availability of access open space for a range of uses, when assessed against the recommended standards. In light of this, and in view of forecast population increases and planned residential development in the borough, policy CS1.F of the CS states that “*the quantity and quality of the Green Belt, Metropolitan Open Land, and existing open space shall not be eroded by inappropriate uses or insensitive development.*”

The PPG17 surveys are based on sub-areas and the application site falls within the north-west sub-area, the only sub-area which has a projected surplus of land for sport, 29.05ha, against the recommended minimum standards. Overall the borough is experiencing an existing and future shortfall of land for sport in 2026 of 12.37ha and



18.86ha respectively<sup>1</sup>. The applicant considers that the relative health of the north-west sub-area is indicative of a surplus of land available for sport in the locality. However, it is considered that the availability of sports pitches must be assessed on a wider basis. The recommended standards of provision are minima and taken together with the arbitrary nature of the sub-area boundaries, it is considered that greater weight should be given to the overall borough picture rather than the localised 'surplus' above the minimum. The overall borough picture is one of increasing deficiency in the quantity of open space and outdoor sports availability. As a London borough, where the availability and price of open land are such that any strategy to address the existing deficiency by public acquisition of land for new open space is unlikely to succeed, the appropriate response to the PPG17 study must be quantitative protection of existing provision, along with improving quality and access.

The Outdoor Sports Strategy 2013 outlines a clear deficiency in the availability of youth playing pitches and also acknowledges a trend whereby many sports teams based in the borough play outside of the borough, further giving weight to the approach of considering borough wide assessment of provisions as teams are clearly mobile, but also indicating a trend for the provision of sports in the borough. In respect of football pitches in the borough the PPG17 study also confirms at paragraph 9.69 that the six pitches at Broadfields are some of the few in the borough that were either good (5) or excellent (1). Changing facilities were described as good. Many of the other football pitches in the borough do not meet these qualitative standards. The loss of better quality playing fields not only has a quantitative impact on the availability of space within the borough but also adversely affects the boroughs capacity to facilitate sport and attractiveness as a location for sport. It is considered that the applicant has failed to demonstrate that land and buildings in open space are surplus to the requirements of the local community or the borough.

The applicant has not indicated that there would be any re-provision of space of any kind and makes no commitment in the applicant to satisfy the expectation on re-provision.

In terms of the third strand of paragraph 74 of the NPPF, the proposal would be for a recreational use but not a sporting one. The applicant does not offer any argument on whether the provision of the recreational use would outweigh the loss of the sporting and recreational use of the land. In terms of whether the need outweighs the loss, the response received, up-to-date evidence, and the responses from the GLA and Sport England on need provide strong arguments that the benefits of the proposal would not outweigh the loss. Conversely, the need for the proposed facilities is unclear. The applicant has not provided any justification or assessment of the need or economic benefit for such facilities except for explaining that the current use of the site has operated for some time at a loss. The applicant is critical of the scant recognition of tourism in the CS or other planning document in the OSS, despite what the applicant contends is clear support in the LP.

The LP does refer at policy 4.5.B to the need to promote and facilitate a range of visitor accommodation and includes camping and caravan sites. However, policy 4.5.A also requires the Mayor, boroughs and stakeholders to ensure that new visitor accommodation is in appropriate locations and indicates that beyond the Central Activities Zone that development should be focused in town centres and opportunity and

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<sup>1</sup> It should be noted that early analysis of the 2011 census data indicates that population growth in London and the borough would be higher than the assumptions contained in the 2011 PPG17 study.

intensification areas, where there is good public transport access to central London and international and national termini. The policy continues by stating that it may be appropriate to locate visitor accommodation related to major visitor attractions of sub-regional or greater significance in other locations, but only where it can be demonstrated that no suitable site in one of the appropriate locations exists and there are clear links between the accommodation and the attraction being served.

The application site is not located in a town centre or area with good public transport links. The applicant has not done any assessment of other sites that may be more appropriate, nor has the applicant identified the attraction the site would serve, save for identifying central London as a whole. The applicant is critical of the scant recognition of tourism but policy DM34 of the emerging DM DPD guides new hotel and tourism development. This policy is consistent with the policies of the LP in seeking to direct development sequentially towards town centres first, edge of centre and then areas of the highest public transport accessibility level.

Having regard to the provision 74 of the NPPF, officers consider that: the applicant has failed to demonstrate open space, buildings or land to surplus to requirements; the loss of open space, buildings or sports facilities would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location and; the development proposed recreational provision would clearly outweigh the loss of sports and recreational provision.

Sport England and the GLA have strongly objected to the development proposal on the basis of the adverse impact upon a clear existing and projected deficiency of sports facilities in the borough.

#### *Conclusion to the Principle of Development*

The proposed use would conceivably have some economic benefit in marginally higher levels of employment provision and money invested in the local economy. However, the applicant has not provided any quantitative measure of the likely economic gain, and in the absence of any identified need for the facilities, economic gain is not likely to be significant. The principle of the development proposed, by virtue of a conflict with paragraphs 74 and 89 of the NPPF explicitly, and policies 3.19.B, 7.16 and 7.18.B of the LP, policy CS1.F of the CS and policies DM16, DM17 and D18 of the emerging DM DPD, is not accordingly acceptable. The development would have significant adverse impacts on the environmental quality of the Green Belt and sports pitches.

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

The site does not have any specific landscape designation beyond its status as Green Belt. The LVIA addresses issues of character, landscape and townscape impacts arising from the development. In terms of the assessment of the hierarchy of the landscape against the methodology advocated by the Landscape Institute guidelines, the LVIA considers the application site to be an 'Ordinary Quality Landscape' in evaluating the quality of the site, which is towards the lower end to the hierarchy. The site has an attractive open quality, but in the light of the surrounding obtrusive features such as the all-weather pitches to the south of site and the absence of any substantial flora on the site, the 'Ordinary Quality Landscape' designation attributed to the site is considered to be fair.

The LVIA concludes by acknowledging that the division of the single mown grass area to be divided by indigenous planting will alter the character of the immediate area. However,

this would be offset by providing more interest and local biodiversity, and augmenting and enhancing the existing local landscape by landscaping which will have a positive impact on the landscape once established. The site's relatively discrete position in the landscape would not significantly impact on the setting, and the overall effect is assessed as slightly adverse in Year 1 to slightly positive in Year 15.

It is acknowledged that the established characteristics of the site offer some capacity for change in character terms. However, and as outlined above, the development would have significant impacts on one of the primary characteristics of the site, its openness, which the LVIA fails to fully acknowledge. It is considered that the visual intrusion of the development on the character of the area is under estimated in the LVIA. As touched upon above, the screening effect of the landscaping strategy in the immediate years after its implementation would be low. The impacts on the character and appearance of the area would be moderately adverse in the early years after development. As outlined above, the maturation of the landscaping strategy for the site would have a significant effect on the character of the site, changing the Broadfields site from one of open expanses and low maintenance uses to one of a highly managed and man-made landscape. The maturation of the landscaping strategy would successfully screen the application site and it is accepted that, in the longer term, the impacts of development could have a slightly positive impact on the character of the site but not on openness, if managed correctly.

The applicant proposes to provide two buildings at the northern end of the site, one to provide a reception area, toilets and washing facilities and another to provide for water and waste disposal. The reception building would be of significant scale, as detailed in the 'Proposal Details' section of the report whilst the other building would be relatively minor. Each of the buildings would be constructed in a modular and utilitarian style, with shallow mono-pitched roofs devoid of any specific visual interest. Though it is acknowledged that the buildings would replace storage buildings of a similarly poor quality, it is likely that any proposed building would endure long after the life of the existing storage buildings on the site, thus extenuating the harm arising to the character of the locality beyond existing levels. The policies of the development plan are clear in required development proposals to provide a high standard of design and architecture, notwithstanding the existing development on the site. It is considered that the proposed buildings not meet paragraph 56 of the NPPF with the development plan policies in this respect.

The applicant contends that the visual impact of development is minimal and long term, with no detrimental residual visual impacts and this should form a strong material consideration in favour of the application. However, as detailed above, it is considered that the short-term impacts of development are underplayed and the long terms are only moderately positive. Given the immediate effects that would be felt, it is considered that the character of the application site and its surrounding areas would be adversely affected, contrary to development plan policies which require development to respect site context and the surrounding area.

#### *Impact of Development on Trees*

The Arboricultural Report concludes that the development proposal would not necessitate the removal of any trees with the possible exception of two sycamore trees at the northern end of the site. However, the removal of these trees would be justifiable in light of their relatively low grade. This position is considered to be fair, and any potential loss in arboricultural terms would be mitigated by the re-provision of trees planting on the site

and appropriate conditions.

### **Biodiversity and Ecological Impacts**

The applicant has submitted an Ecological Data Search document for Broadfields and a Phase 1 Habitat survey for the site. The Phase 1 Habitat Survey concludes that protected species are unlikely to be affected by the development, subject to appropriate attenuation measures, and further surveys are considered to be unnecessary.

The Council's Biodiversity Officer has reviewed the application and notes the date that the survey was undertaken in December 2012, when bats are unlikely to be present, and does not provide adequate information in relation to the behaviour of bats. Three trees to the south-west are identified as suitable features for harbouring bats but these are 'unlikely to be affected' by the development. This is part of the boundary tree belt which includes the historic pale and old oaks within its length. There is also a stream at the heart of the western section. This type of habitat scores highly in guidance for assessing the value of potential development for bats. These features are also attractive to commuting bats passing between roosts and foraging grounds but have not been assessed in the habitat survey. It is unclear whether existing buildings on the site have been surveyed for the presence of bats.

It is acknowledged that there is floodlighting provided for the artificially surfaced pitches to the south of the site and how well these lights are used is also likely to have an impact on the behaviour and use of this route for bats. Notwithstanding the impact of any floodlighting, if principal bat commuting routes are significantly disturbed by light spill and some human activities associated with the development, the impacts of which have not been considered by the applicant, this disturbance could hinder the animals' ability to feed and the conservation status of the species in the locality might suffer.

In light of the high value locations for bats in the immediate locality and the absence of adequate surveys to determinate the impacts upon bats, it is considered that the development would conflict with policy 7.19 of the LP, saved policy EP27 of the UDP and policy DM20 of the emerging DM DPD.

It is acknowledged that the development would have a potentially positive impact on ecological impacts and biodiversity on the site and in the locality through the use of planting and landscaping of the site and these impacts are considered to weigh in support of the development. However, these impacts are considered to be insufficient to outweigh the adverse impacts that could potential arise to a protected species, bats, in the absence of adequate information to determine the likely impacts.

### **Archaeological and Heritage Asset Impacts**

The Archaeological and Historic interest of the site is derived from the Scheduled Ancient Monument, part of the deer pale of Pinner Park Farm, which abuts the western boundary of the site. The pale takes the form of linear ditch, approximately 250m in length, varying between 1 and 7m in width and 1m in height. Scrub, trees and vegetation define the linear boundary along the pale. The applicant has submitted an Archaeological Assessment in support of the application. The Archaeological Assessment concludes that the development would not have any negative impact on the Scheduled Monument but may present a slight positive impact through enhancement of knowledge of the monument.

English Heritage have commented on the application and noted the submission of the

Archaeological Assessment. However, the Archaeological Assessment does not consider the impacts of development on the setting of the Scheduled Ancient Monument, nor has the potential impact on as yet to be recorded below ground archaeological remains been considered, in accordance with best practice and suggested guidance procedures. The development considers physical impacts associated with development on the Scheduled Ancient Monument but does not consider the continuing impacts that may arise from increase human interaction.

The applicant considers that the development would have a moderate positive impact with the enhancement of wildlife and knowledge of the monument. However, it is considered that these impacts are overplayed in the light of the fact that positive impacts would be realised through biodiversity impacts and the absence of a management scheme which would provide appropriate and monitored access to the monument. The applicant considers that slightly positive impacts would occur in providing a planted 10 metre buffer zone between the scheduled monument. English Heritage considers that the planting scheme would further obscure the setting of the scheduled monument and would have a negative impact on its setting. Negative impacts would arise if access to Pinner Park, other than by defined footpaths and bridleways occurred. No assessment is provided of this impact and no management procedures to preclude these impacts have been suggested.

In the absence of appropriate assessment or mitigation strategies for the setting of the scheduled monument and its below ground archaeological significance, the development would have potential adverse impacts on the scheduled ancient monument, contrary to paragraph 132 of the NPPF, policy 7.8.B/C/D of the LP, saved policy D19 of the UDP and policy DM7 of the emerging DM DPD.

### **Traffic, Parking, Access and Highway Safety**

The applicant proposes to provide a one-way traffic system for the site, with access via the Headstone Lane entrance, around the north of the existing pavilion building on Broadfields and on to the reception building at the northern end of the site. Egress would again be to the north of pavilion building and via Broadfields and then onto Headstone Lane. To alleviate concerns around highway safety on Broadfields, sections of on-street parking would be altered to double-yellow lines, removing 6 on-street car parking spaces, for which the applicant offers a unilateral undertaking (details of which are not provided). No other specific mitigation measures are proposed though the applicant has submitted a Transportation Statement and Parking Assessment in support of the application.

The applicant has drawn on the occupation levels of other caravan sites and though a qualitative or attractiveness analysis is not provided to indicate likely occupation rates, has estimated that the site would exhibit an occupancy rate of 65% throughout the year and 85% in peak times (July and August). Without evidence of the likely use of the site, the Highway Authority has commented on the application on the basis of these surmised occupation rates. Having the site open from 0800 to 1800 hours on each day would permit movements to and from the site during the peak hours and the applicant has not indicated a robust management strategy to respond to the potential controls that this creates on the network. Early arrivals or late exits from the site could, without proper management, result in undesirable and unobtrusive queuing and stacking of vehicles on Headstone Lane and Broadfields, both of which are physically incapable of supporting such obstruction without substantial impediment to traffic flows on the highway network.

### *Access*

The applicant has indicated that there would be 200m of queuing space available. Though this is likely to be sufficient for the purposes of a 75 pitch site, this queuing space is within the site and does not account for the issues of access into the site. Headstone Lane is a busy thoroughfare which carries a significant level of traffic from Pinner and North Harrow further northwards. Access to the site requires a right-hand turn into the site as the site cannot be accessed from the south due to the width restriction near the junction of Melbourne Avenue and Headstone Lane which does not permit northward travel of large vehicles. The width of the Headstone Lane does not permit a traffic island for turning vehicles in this location and significant queuing behind vehicles seeking to enter the site, especially during peak hours would be likely to arise. The applicant has not demonstrated that how the impacts of queuing on the highway network at this point would be mitigated or site managed to avoid such control.

The access point is also physically incapable of accommodating turning movements associated with caravans and large motor homes at this point. The Highway Authority considers that the access would require substantial modification to allow effective discharge from the highway into the site and though sight lines are not the primary concern, work is required to improve the inter-visibility between other vehicles and pedestrians on the highway. No assessment or suggested methods of improvement are offered by the applicant.

The applicant has not suggested a signage strategy from the site and, as alluded to in a number of representations, users could conceivably pass the turn off for the application site, resulting in difficult and obstructive manoeuvres occurring further along Headstone Lane.

### *Egress*

Egress is proposed via Broadfields and Headstone Lane to the north of the site. Broadfields permits parking on both sides of the street which reduces the carriageway width to a single vehicle. The applicant proposes a strategy of placing double yellow lines on Broadfields with the aim of providing passing places for cars/caravans leaving the site, providing a Parking Assessment with the aim of demonstrating that Broadfields has an over provision of on-street parking spaces. A number of representations have been received on this point, anecdotally pointing out that a number of commuters from Headstone Lane Station park in Broadfields and then return to their cars in the evenings and on-street parking space cannot afford to be lost. Other representations point out that the Parking Assessment represents a short timeframe and is not truly representative. Certainly site visits conducted during day time hours indicated that though some parking spaces on Broadfields were available, removing 6 spaces from use would stretch the capacity of the highway to accommodate for those looking to park in this area. Furthermore, the strategy of removing car parking spaces would require a Traffic Management Order, for which there would be likely to be significant objections and no guarantee of delivery, especially considered in the face of no clear benefits accruing for the area or its residents.

Broadfields has a moderate curvature and slight slope (the slope is more pronounced near the junction with Headstone Lane) and the applicant's Transport Assessment does not demonstrate how caravans and motor homes will be able to negotiate the stretch of road without substantial reduction in on-street car parking. Officers consider the use of Broadfields as an exit to the site would be problematical.

The applicant indicates that only left turns are possible from the Broadfields / Headstone Lane junction due to the width restriction the junction of Melbourne Avenue and Headstone Lane to the south of the site. Users could exit via Pinner Park Avenue onto Harrow View without encountering the width restriction and some vehicles may chose to use this route although this choice would be made difficult by the existing traffic island. The majority of traffic will therefore turn left, and off Broadfields over the bridge on Headstone Lane. The TA has no detail of swept paths for this manoeuvre. The existing junction is on a relatively steep incline and the buttresses to the adjacent railway bridge, together with the contoured carriageway mean that both forward visibility and the ability to exit Broadfields without crossing the centre line is compounded (and will be particularly unfamiliar to visitors). Given that no swept path has been submitted to demonstrate how such a manoeuvre would be possible, officers are of the view that large, slow moving vehicles exiting onto the junction of Headstone Lane would pose a significant high risk because of the vehicle speeds and forward visibility. Drivers approaching the junction would also not expect to encounter vehicles with caravans exit onto the highway at this point.

For these reasons, the proposed access and egress arrangements for the site pose significant concerns for highway safety on the site, resulting in detriment to highway convenience and safety, contrary to policy 6.3A.B.C of the LP, saved policies T6 and T13 of the UDP and policy DM43 of the emerging DM DPD.

## **Residential Amenity**

### *Physical Impact of Development*

The development would physically impinge on the landscape, as detailed in Section 1 of the Appraisal above. A number of representations have been received in terms of the adverse impacts on views which would arise from the development and the use of hedging and buffer areas which would limit views of Broadfields and though this is acknowledged, private views of landscapes are not material planning considerations and it is the strategic importance of the openness and visual amenity which is considered to be harmful. The use of hedges and buffer zones may have some impact on the overshadowing of gardens, particularly along Headstone Lane. However, it is considered that these impacts would not be unreasonable. As such, no adverse impacts to neighbouring amenities would arise from the physical form of development.

### *Noise, Disturbance and Odour*

The applicant has conducted noise testing of the site in its existing and proposed uses at numerous points along the eastern boundary of the application site and within the proposed site. The applicant considers that the levels arising would not exceed levels appropriate for a residential area. A number of representations have been received in relation to potential noise impacts arising from the site.

The Council's Environmental Health Team has reviewed the application and considers that the proposed noise levels generated by the site would not have unreasonable impacts on neighbouring amenity. Against a backdrop of noise generated by the main rail line to the north, aircraft and traffic noise, the schools in the surrounding areas and the general distance from neighbouring properties to the application site, this is considered to be fair. It is also noted that the lawful use of the site has capacity to generate significant levels of disturbance by way of noise from sporting activities.

Consideration of impacts arising from the use of the toilet and shower and waste and water disposal facilities is also required. These facilities are located in close proximity to

the neighbouring properties at 18 and 20 Randon Close. The nature of the proposed use would mean that these facilities could be used at night-time hours when users would reasonably expect peace and quiet. Notwithstanding this, the likely use of these facilities at these hours would be low, and it is considered, that on balance, unreasonable impacts would not arise.

The applicant indicates that vehicular movements on the site would be limited by a management strategy for the site. Although no management strategy is provided, it seems reasonable that movements onto and off the site could be limited to certain times, limiting the impact on neighbouring amenities by way of noise and disturbance. The applicant indicates that movements by towed caravans would be limited to between 0800 and 1800 hours and other vehicles and cars to between 0800 and 2100 hours. The hours of movements to and from the site to those proposed would significantly limit impacts to neighbouring properties. Vehicles would nonetheless pass in close proximity to the rear of the properties on the southern side of Randon Close and to those at Barmor Close. However, the rear of these properties and the access way from Headstone Lane are, in general, relatively well screened by natural vegetation. Though the impacts of vehicles moving along the access and egress routes would not be insignificant, it is considered that any disturbance arising would not be unreasonable.

The Environmental Health Team also note that the site benefits from an existing site contractor for the removal of waste and this contractor would also serve the proposed use. Though specialist services may be required for human waste disposal services, many of these services would be dependent on the site securing a license under the 'Caravan sites and Control of Development Act 1960'. It is considered that waste would be disposed of in an appropriate manner in order to accord with this piece of legislation and no adverse odour impacts would arise to neighbouring properties.

Though the concerns of neighbouring residents in terms of noise and disturbance that would arise from the proposed development are therefore acknowledged, in association with appropriate controls and conditions, it is considered that the impacts arising would not be unreasonable.

### **Development and Flood Risk**

The application site is within Flood Zone 1 (the lowest flood risk) though an area of land approximately 200m to the south of the site forms part of the functional floodplain (zone 3b) of the Yeading Brook West. The applicant has provided a Flood Risk Assessment [FRA] and concludes that the proposed development would be appropriate and sustainable.

Touring caravan and camping sites are a 'more vulnerable' use as set out at Table 2 of the Technical Guidance accompanying the NPPF. Footnote 3 of the Technical Guidance confirms that *'for any proposal involving a change of use of land to caravan, camping or chalet site, or to a mobile home site or park home site, the Sequential and Exception Tests should be applied.'* The applicant has not applied the Sequential and Exception tests and though it is acknowledged that the site is within Flood Zone 1, these tests should nonetheless be conducted.

The Environment Agency has also objected to the application on the basis that the FRA does not accord with the requirements set out at paragraph 9 of the Technical Guidance to the NPPF and the FRA does not therefore provide a suitable basis for assessment of flood risk arising from the development. In particular, the applicant has not demonstrated



that the infiltration rate and storage volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided on site. In the absence of such information or an adequate FRA, the application would not accord with policies 5.3.C, 5.12.B/C and 5.13.A of the LP, saved policy EP12 of the UDP and policies DM16 and DM17 of the emerging DM DPD.

### **Accessibility and Inclusivity**

The applicant has not referred to the requirements of development plan policies to ensure that all new equalities provides equal opportunities for all and is fully inclusive to all person. However, it is considered that the proposed layout of development does not preclude inclusivity and these issues could be addressed by an appropriately worded condition, were the development acceptable in all other respects.

### **Sustainability and Climate Change Mitigation**

Touring caravans are inherently associated with unsustainable forms of development as they are they reliant on the private motor car. However, there is an acknowledgement that some forms of development require such reliance on the private car or these uses would be precluded entirely. The application site would support some forms of sustainable travel once people have reached the site, despite the relatively poor public transport accessibility level [PTAL] level of 2 (low) of the site, given the location of the site adjacent to Headstone Lane station and the availability of some amenities small scale convenience uses close by.

The applicant has not described how the development would accord with the strategic aims of policy 5.1 of the LP but given the scale of built development on the site and the scale of the site which could provide for low carbon technologies, it is considered that these issues could be addressed by appropriately worded conditions and no objections are therefore raised in this regard.

### **Equalities Implications and the Human Rights Act**

#### *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.

Officers have considered the obligations of the local planning authority in respect of the Equalities Act as detailed above in this assessment of this application.

It is considered that this application would not have any adverse impact on equalities.

#### *Human Rights Act*

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights ("the

Convention”) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. This application has been advertised and considered in accordance with the relevant Planning Acts and is being determined in accordance with the Council’s adopted Scheme of Delegation for planning applications. No infringement of this article therefore arises.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these articles are allowed in certain defined circumstances, for example where required by law. However, any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective. The determination of the planning in accordance with Section 38(6) of The Planning and Compulsory Purchase Act 2004, which requires the application to be determined in accordance with the adopted development plan (a document developed through extensive consultation with the community and in the public interest) unless other material considerations indicate otherwise, would satisfy this objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'. The determination of the planning in accordance with Section 38(6) of The Planning and Compulsory Purchase Act 2004 would also satisfy this objective.

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

Policies 7.3.B and 7.13.B of The London Plan, saved policy D4 of the UDP and emerging policy DM1 of the DM DPD require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal.

A number of representations have been received relating to the perception of increased crime levels arising from the proposed development. These comments are primarily based on existing burglary levels in the locality and the perception that the site would be used by members of the travelling community.

The principles of determining planning applications only permits the consideration of impacts associated with the proposed use or development. Reference to prevailing crime rates in the locality is therefore not strictly relevant to this application. Reference to the perceived use of the site as a traveller site is also not relevant as this relates to a materially different use which would require the specific grant of planning permission. An assessment of these impacts is not therefore appropriate in this planning application.

Representations have been received from the local police in this area which relate to the storage of caravans on the site which the police raise as a concern. It is considered that an appropriate and robust management plan could be provided for the site which would preclude or limit such activities. Further information in relation to the security of the site would also be required but it is considered that each of these issues could be secured by condition. It is therefore considered that no adverse impacts in terms of crime and safety would arise from the development proposal.

## **Consultation Responses**

### *Loss of Green Belt*

Issues around Green Belt openness and whether the development is appropriate in the Green Belt is considered in the appraisal above

### *Loss of sports facilities*

The comments of neighbouring residents in respect of playing fields are noted. Comments relating to the displacement of sports teams on the site appear consistent with the comments on Sports England. Further issues around the availability of sports and open space in the borough are addressed in the appraisal above.

### *Character of the Area*

Issues around the character and appearance of the area are addressed in the appraisal above. Issues around the storage of caravans on the site are also addressed in the report above.

### *Transport, Highway Safety and Access*

The numerous points made are noted, in particularly the high number of references to the width restriction adjacent to the junction of Melbourne Avenue and then issues that would arise if large vehicles missed the turn off into the application site. The Highway Authority has commented on the application and objected on the basis of impacts on the highway network and these impacts are assessed in the appraisal section of the report above.

### *Noise and Disturbance*

Issues around noise and disturbance are addressed in the appraisal above

### *Biodiversity and Ecological Issues*

Issues around biodiversity and ecological Issues are addressed in the appraisal above

### *Need of Tourism facilities and appropriateness in this location*

Issues around need for facilities in the locality are addressed in the appraisal above. Whether the Camping and Caravanning Club would franchise the development site or are aware of this application is not a material planning consideration.

### *Impact on Scheduled Ancient Monument*

Issues around Scheduled Ancient Monument are addressed in the appraisal above

### *Drainage Issues*

Issues around spatial and localised flood risk are addressed in the appraisal above

### *Local Benefit*

The point of local benefits accruing from the development is noted and addressed in the appraisal of the report.

### *Crime, Safety and Environment*

The issues of security and safety are noted. However, it is considered that many of these issues could be addressed by the use of appropriate conditions to secure the site. There is no evidence to suggest that the users of the property would introduce anti-social behaviour and any summation in this respect can only be conjecture.

Issues of impacts of development flora and fauna are considered in the appraisal above and the Council's Biodiversity Officer has reviewed the information provided indicating

that only significant adverse impacts would only be to bats.

The Council's Environmental Health Team has reviewed the application and has not identified any significant issues around waste, odour or vermin that could not be dealt with by conditions.

#### *Community*

The development would not have a significant impact on the demography of the area as users would be transient. The economic and social benefits of the proposal are considered in the appraisal above

#### *Property Prices*

Property values of neighbouring properties are not a material planning consideration.

#### *Gypsy Site and surmised use*

The development description is clear in seeking a change of use to a 'touring caravan and camping site'. Other surmised intended uses would not be lawful and would require the specific grant of planning permission. Consideration of the impacts of other forms of development on the site is not therefore appropriate.

#### *Planning History of the site and other sites*

The impact of development on other sites in the locality is noted. In particular reference is made to the development of the Kodak site. The planning permission for this development seeks to re-provide facilities in other parts of the borough.

In relation to the application site itself, there are no outstanding issues of planning breaches on the site.

#### *Infrastructure*

Were the application acceptable in all respects, considering would be given to the infrastructural requirements of development in accordance with Regulation 122 of The Town and Country (Community Infrastructure Regulations) 2011 (as amended) and infrastructural requirements would be secured by way of legal agreement.

#### *Inconsistencies and inaccuracies in application*

Some inaccuracies and inconsistencies in the submitted plans are noted. However, it is considered that adequate information has been provided to determine the application and an assessment has been made on this basis

### **CONCLUSION**

The development proposes the change of use of playing fields to a touring caravan and camping site. In considering the application, regard has been given to the economic, social and environmental impacts of development that comprises sustainable development as outlined in the NPPF.

The development would have significantly adverse impacts on the environmental quality of the area as the strategically important characteristics of the Green Belt would be irreparably and harmfully altered. The development would also have significant impacts on the safety and convenience of the highway network. Other issues around the environmental quality of the locality including the biodiversity impacts, archaeological and historical interest of the site and flood risk could also be adversely affected by the development proposal. It is considered that significant weight should be attributed to

these harmful effects.

The proposal would also have adverse impacts on the social impacts of the borough and the locality. The borough is experiencing existing and anticipated future shortfalls in sports and playing field provision. High pressures on available land mean that this deficiency is unlikely to be rectified and the Council's has committed to a strategy of consolidation and improvements in quality to address deficiencies in adopting the Core Strategy for the borough. The loss of existing provision would undermine this strategy and fail to account for the sustainable development of existing and future communities and offer these communities access to social and infrastructural facilities. As has been alluded to in representations received, the development would be primarily, if not exclusively, for non-residents of the local area and would not therefore aid social cohesion or inclusivity in any respect. It is considered that significant harm should also be attributed to the adverse social effects of development.

The applicant is clear in stating that the reasons for the development are economic gain. However, the economic gains for the locality are not significant. Though the proposed use would result in some additional employment on the site, employment on the site would not be significant and certainly not significantly above the lawful use of the site as playing fields. Associated benefits arising from tourism spend in the area are not quantified by the applicant but it is likely that most of the tourism spend would be in areas outside of the borough. It is considered that only moderate weight can be afforded to the economic benefit of development.

For these reasons, in considered the strands of sustainable development and balancing these objectives against each other, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for refusal.

## **INFORMATIVES:**

### **1 INFORMATIVE:**

The decision to **REFUSE** planning permission has been taken having regard to the following national planning policy guidance and policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012, the saved policies of Harrow's Unitary Development Plan 2004 and the following emerging policies of the development Management Policies development Plan Document, and to all relevant material considerations, and any comments received in response to publicity and consultation.

### **National Planning Policy and Guidance:**

National Planning Policy Framework (2012)

Assessing needs and opportunities: A companion guide to PPG17 (2002)

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

2.7 – Outer London: Economy

2.8 – Outer London: Transport

2.18 – Green Infrastructure: The Network of Open and Green Spaces

3.1 – Ensuring Equal Life Chances for All

3.2 – Improving Health and Addressing Health Inequalities

3.16 – Protection and Enhancement of Social Infrastructure

3.19 – Sports Facilities

4.5 – London's Visitor Infrastructure

- 5.2 – Minimising Carbon Dioxide Emissions
- 5.12 – Flood Risk Management
- 5.13 – Sustainable Drainage
- 6.1 – Strategic Approach
- 6.2 – Providing Public Transport Capacity and Safeguarding Land for Transport
- 6.3 – Assessing Effects of Development on Transport Capacity
- 6.7 – Better Streets and Surface Transport
- 6.9 – Cycling
- 6.10 – Walking
- 6.12 – Road Network Capacity
- 6.13 – Parking
- 7.2 – An Inclusive Environment
- 7.3 – Designing Out Crime
- 7.4 – Local Character
- 7.5 – Public Realm
- 7.6 – Architecture
- 7.8 – Heritage Assets and Archaeology
- 7.13 – Safety, Security and Resilience to Emergency
- 7.14 – Improving Air Quality
- 7.15 – Reducing Noise and Enhancing Soundscapes
- 7.16 – Green Belt
- 7.18 – Protecting Local Open Space and Addressing Local Deficiency
- 7.19 – Biodiversity and Access to Nature
- 7.21 – Trees and Woodlands

## **Local Development Framework Core Strategy**

### Harrow Core Strategy (2012)

- CS1 – Overarching Policy
- CS5 – Rayners Lane and North Harrow

### Emerging Development Plan Document: Development Management Policies

- DM1 – Achieving a High Standard of Development
- DM2 – Achieving Lifetime Neighbourhoods
- DM3 – Protected Views and Vistas
- DM6 – Areas of Special Character
- DM7 – Heritage Assets
- DM9 – Managing Flood Risk
- DM10 – On Site Water Management and Surface Water Attenuation
- DM12 – Sustainable Design and Layout
- DM16 – Maintaining the Openness of the Green Belt and Metropolitan Open Land
- DM17 – Beneficial Use of the Green Belt and Metropolitan Open Land
- DM18 – Protection of Open Space
- DM20 – Protection of Biodiversity and Access to Nature
- DM21 – Enhancement of Biodiversity and Access to Nature
- DM22 – Trees and Landscaping
- DM34 – Hotel and Tourism Development
- DM42 – Parking Standards
- DM43 – Transport Assessments and Travel Plans
- DM44 – Servicing
- DM45 – Waste Management
- DM47 – Retention of Existing Community, Sport and Education Facilities
- DM48 – Enhancing Outdoor Sport Facilities

### *Evidence Base Documents*

Strategic Flood Risk Assessment (2009)  
Open Space PPG17 Study (2011)  
Habitats Regulations Assessment (2010)  
Outdoor Sports Strategy (2013)

### **London Borough of Harrow Unitary Development Plan (2004):**

SEP4 – Biodiversity and Natural Heritage  
SR2 – Arts, Cultural, Entertainment, Tourist and Recreational Activities  
EP12 – Control of Surface Water Run-Off  
EP25 – Noise  
EP26 – Habitat Creation and Enhancement  
EP27 – Species Protection  
EP29 – Tree Masses and Spines  
EP38 – Recreational Uses in the Green Belt  
D4 – The Standard of Design and Layout  
D9 – Streetside Greenness and Forecourt Greenery  
D10 – Trees and New Development  
D19 – Ancient Monuments  
D20/D21/D22 – Sites of Archaeological Importance  
D23 – Lighting, including Floodlighting  
T6 – The Transport Impact of Development Proposals  
T13 – Parking Standards  
T15 – Servicing of New Developments  
R4 – Outdoor Sports Facilities  
R8 – Play Areas  
R13 – Leisure Facilities  
C17 – Access to Leisure, Recreation, Community and Retail Facilities

### **Supplementary Planning Documents**

Supplementary Planning Document: Sustainable Building Design (2009)  
Supplementary Planning Document: Access For All (2006)

### **Other Relevant Documents**

Harrow Biodiversity Action Plan (2007)

### 2 INFORMATIVE:

#### **REFUSE 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.

### 3 INFORMATIVE:

It is noted that on the application form the applicant states that pre-application advice has been sought from the local authority about this application in the form of Screening and Scoping under EIA regulations. A Screening Opinion and Scoping Opinion were provided by the local planning authority. However, invitations to the applicant following the issuing of these opinions to engage in pre-application discussions were not taken up by the applicant.

Plan Nos: 4300/4; 4300/5; 4300/6; 4300/7; 4300/8; 478/01 P2A; 478/01 P3; 478/02 P3; Location Plan; Environmental Statement; Design and Access Statement; Transport Report and Parking survey; Open Space Report; Phase 1 Habitat Survey and Biodiversity; Phase II Arboricultural Impact Assessment; Flood Risk Assessment; Archaeological Study; Landscape and Visual Impact Assessment



**BROADFIELDS, HEADSTONE LANE, HARROW**



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## Appeal Decision

Hearing held on 27 February 2007

Site visit made on 27 February 2007

by **Gareth Isaac** LLB Solicitor

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date: 16 March 2007

**Appeal Ref: APP/M5450/A/06/2024009**

**Harrow Community Sports Centre, Broadfields, Headstone Lane, North Harrow, HA2 6NN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by Harrow Community Sports Ltd against the decision of the Council of the London Borough of Harrow.
- The application Ref. P150/06/CVA, dated 17 January 2006, was refused by notice dated 28 June 2006.
- The application sought planning permission for replacement pavilion with function room, members bar and ancillary accommodation without complying with a condition attached to planning permission Ref. WEST/33/02/FUL, dated 11 April 2002.
- The condition in dispute is No. 6 which states that: "The building hereby permitted shall not be available for use outside the following times:- (a) 08.00 hours to 23.00 hours, Monday to Saturday inclusive, (b) 08.00 hours to 22.30 hours on Sundays, without the prior written permission of the local planning authority".
- The reason given for the condition is: "To safeguard the amenity of neighbouring residents".

**Summary of Decision: The appeal is allowed in part and planning permission is granted subject to conditions in the terms set out below in the Formal Decision.**

### Preliminary Matters

1. At the hearing, it was clarified that some amendments to the details of the original application submitted to the Council, had been requested in a letter dated 23 January 2006 to the Council from Hunter Page Planning Ltd, who were acting as agents for the appellant at that time. The Council confirmed that it had determined the application on the basis of the amended details contained in the letter dated 23 January 2006 and I have also taken the details set out in that letter into account.

### Planning Policy

2. The development plan for the area includes the Harrow Unitary Development Plan 2004 (UDP) which was adopted by the Council in July 2004. My decision is based on the relevant policies of the UDP which have been drawn to my attention. I have also taken into account all relevant government advice.

### Reasons

3. The appeal site comprises an area of land which is mainly used for sporting and recreational activities. There are changing rooms as well as bar and function room facilities in the

- pavilion building which is located towards the northern boundary of the site. The gardens of a number of neighbouring dwellings border the site in the vicinity of the pavilion building. There are car parking facilities on the site and two entrances providing vehicular access to it, one from Broadfields and the other from Headstone Lane.
4. In April 2002, planning permission was granted for the construction of the existing pavilion building, subject to a number of conditions, including the disputed condition. The existing pavilion replaced another building which I understand had previously stood on the site for many years before it was damaged by fire. The original building was not subject to a planning condition such as the disputed condition, restricting the times when it was available for use.
  5. In February 2006 the Council acting as Licensing Authority, resolved that an application to vary the Premises Licence relating to the existing building should be granted, subject to a number of conditions, one of which allowed licensable activities to take place at the premises until 11.00pm on Mondays to Thursdays, until midnight on Fridays and Saturdays and until 10.30pm on Sundays. The application to the Licensing Authority also incorporated provision for non-standard hours on Bank Holidays.
  6. By requiring that the pavilion shall not be available for use after 23.00 on Mondays to Saturdays inclusive, the disputed planning condition now prevents the building from being used at certain times when licensable activities are permitted to take place there and in that respect it conflicts with the above condition imposed by the Licensing Authority. Advice contained in Circular 11/95, *The Use of Conditions in Planning Permissions* suggests that a condition whose requirements conflict with those of other non-planning controls might be unreasonable and also advises that differences in requirements can cause confusion.
  7. The Council has contended that the remit of the Licensing Authority did not include consideration of the effect of an extension of hours on the amenities of neighbouring residents in terms of noise and disturbance. However, the minutes of the Licensing Panel meeting appear to suggest that issues regarding noise and disturbance were at the forefront of objections made by neighbouring residents and the Council's Environmental Protection Team to the application, and it seems to me that noise related considerations may well have had a bearing on the conditions which were imposed by the Licensing Panel, for reasons which were stated to be for the prevention of public nuisance.
  8. In any event, in determining the current appeal, I have taken into account the concerns expressed by the Council about the effect of varying the disputed planning condition on the living conditions of neighbouring residents in terms of noise and disturbance. I have also considered the representations made by a number of local residents who have objected to the application. However, not all neighbouring residents are opposed to the application and I have also had regard to the views of those neighbours who have made comments in support of it. Moreover, the Council's Environmental Health Department did not raise any objections when consulted about the current application, although the Environmental Protection Team had opposed the earlier application to vary the Premises Licence.
  9. Taking all representations into account and having regard to the nature of the use, the location of the premises, and the proximity of the pavilion to neighbouring dwellings, it seems to me that in general terms, a condition restricting the times at which the pavilion is available for use is reasonable and necessary to protect the living conditions of

neighbouring residents from undue noise and disturbance. Nevertheless, having regard to the fact that the pavilion was a replacement for a previous building in respect of which there was no similar planning condition restricting the hours of use, and that the new building incorporated function room facilities, it seems to me that the condition imposed by the Council was to some extent unduly restrictive in terms of limiting the times at which the pavilion would be available for use. The later variation of the Premises Licence, as a result of which licensable activities are permitted at the premises at times when the disputed planning condition states that the building shall not be available for use, is a further consideration that leads me to the view that in some respects, the detailed requirements of the disputed condition are unreasonable.

10. In the letter to which I made reference in paragraph 1 above, no change of the times during which the building would be available for use from Mondays to Thursdays was requested and it seems to me that the existing condition is not unduly restrictive or unreasonable insofar as those days are concerned. Although an extension of hours was requested for Sundays, the existing planning condition would not conflict with the condition imposed by the Licensing Authority regarding the permitted hours for licensable activities on Sundays, and to my mind, it is not unreasonable for opening hours to be more restricted on Sundays than on other days of the week. However, on balance, it seems to me that it would be unreasonable to retain the disputed condition insofar as it relates to Fridays, Saturdays and Bank Holidays, having regard to all relevant considerations, including the fact that licensable activities are permitted at the premises beyond the time indicated in the disputed planning condition on those days.
11. I conclude that whilst the disputed condition is reasonable and necessary in certain respects, it is unreasonable to the extent that I have indicated above, and as it is unreasonable in some respects, I do not consider that the removal of the condition would conflict with the aims of UDP Policies EP25 or EM25. However, I also conclude that a condition restricting the hours when the building is available for use is reasonable and necessary in the interests of the living conditions of neighbouring residents in terms of noise and disturbance, and to my mind, the new condition set out below would satisfy the aims of UDP Policies EP25 and EM25. Overall therefore, I conclude that the appeal should be allowed, but that instead of the disputed condition, the new condition that I have set out below should be imposed.

**Formal Decision**

12. I allow the appeal in part and grant planning permission for replacement pavilion with function room, members bar and ancillary accommodation at Harrow Community Sports Centre in accordance with the application Ref. P150/06/CVA dated 17 January 2006, without compliance with condition number 6 previously imposed on planning permission Ref. WEST/33/02/FUL dated 11 April 2002, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:
  - 6) The building hereby permitted shall not be available for use outside the following times:- (a) 08.00 hours to 23.00 hours Mondays to Thursdays inclusive, (b) 08.00 hours to midnight on Fridays, Saturdays and Bank Holidays, and (c) 08.00 hours to 22.30 hours on Sundays, without the prior written permission of the local planning authority.

*Gareth Isaac*  
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Harry Bugden	Co-owner
Susan Gardner	General Manager
Graham Lovett	Company Accountant

FOR THE LOCAL PLANNING AUTHORITY:

Bettina C Aneke	Team Leader, Central Area Team
Jonathan Woolmer	Development Control Officer, Central Area Team

INTERESTED PERSONS:

Helen McDonagh	296 Headstone Lane, Harrow, HA2 6NE
Marie Pearce	14 Broadfields, Harrow, HA2 6NH

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Letter of notification of the hearing and circulation list
- 2 Letter dated 23 January 2006 to the Council from Hunter Page Planning
- 3 Additional letter of representation
- 4 Minutes of the Licensing Panel meeting

PLANS

A1 Application plan

## SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

Item No. 4/01

Reference: P/1189/13

Description: CONSULTATION FROM OTHER AUTHORITY: APPLICATION BY THAMES WATER UTILITIES LTD FOR THE PROPOSED DEVELOPMENT CONSENT ORDER OF THE THAMES TIDEWAY TUNNEL

Ward: OTHER AUTHORITY (LONDON WIDE)

Applicant: THAMES WATER UTILITIES LTD

Case Officer: ANDREW RYLEY

Expiry Date: 31/05/2013

### RECOMMENDATION

**INFORM** the Planning Inspectorate that Harrow Council raises NO OBJECTION to this application.

### REASON

The decision to raise no objections has been taken having regard to national planning policy, the policies of The London Plan 2011, the policies of the Harrow Core Strategy (2012), and the saved policies of the Harrow Unitary Development Plan 2004, as well as to all relevant material considerations.

### INFORMATION

This application is reported to the Committee as the Council's Scheme of Delegation does not include a provision for response to be made to the Planning Inspectorate under delegated powers, and therefore the Planning Committee must make this determination.

Statutory Return Type: Consultation by other Borough

Council Interest: None

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

### Site Description and Proposal

- The Thames Tideway scheme is a proposed 25 km (16 mi) tunnel running mostly under the River Thames through central London, intended to provide storage and conveyance of combined raw sewage and rainwater discharges that currently overflow into the river.
- The proposed solution favoured by Thames Water involves construction of a tunnel (the Thames Tideway Tunnel) running from Acton in the west of London through to Abbey Mills in the east, controlling 34 of the most polluting combined sewer overflows (CSOs) via transfer tunnels along the way or system modifications. The captured sewage would then be transferred to Beckton Sewage Treatment Works (currently being upgraded to increase capacity) via the Lee Tunnel (already under construction) for treatment before being released. The main tunnel will be approximately 25 km

(16 mi) long and have an internal diameter of 7.2 m (24 ft).

- It will run through the centre of London, mostly under the River Thames, at a depth of 30 m (98 ft) in the west through to 70 m (230 ft) in the east. The tunnel would not cross through or under the London Borough of Harrow.

### **Relevant History**

N/A

### **Consultations**

Drainage Engineer: No objection

### **APPRAISAL**

#### **Impact on the London Borough of Harrow**

Whilst the proposed tunnel would have an indirect affect on Harrow – the overarching principle is to reduce the quantum of raw sewage that gets pumped into the River Thames and so to improve the overall quality of water in the city – the infrastructure required for this project will not be located within or immediately adjacent to the London Borough of Harrow. It is noted that the Council's Drainage Engineer has raised no objections to the proposal.

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

The proposed development is not considered to result in an increase in crime or loss of safety within the London Borough of Harrow.

### **CONCLUSION**

For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations, it is recommended that NO OBJECTION be made.

## SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.