

## SECTION 1 – MAJOR APPLICATIONS

Item No. 1/01

Address: BRADSTOWE HOUSE, HEADSTONE ROAD, HARROW, HA1 1PG

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 60 ONE BEDROOM AND 117 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

**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, and SUBJECT TO the completion of a Section 106 Agreement. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 Agreement and to agree any minor amendments to the conditions or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:

- i) Provision of a number of housing units, either on or off site, charged at no more than the current local housing allowance rates to be occupied by persons nominated by the council in accordance with the nomination agreement, or payment in lieu of this.
- ii) Recruitment Training and Management Plan.
- iii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.

### 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 purpose of the Section 106 Agreement 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 replacement of 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 obligation 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).

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, the emerging Harrow and Wealdstone Area Action Plan 2013 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**

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 203 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 60 one bed flats and 117 two bed flats;
  - 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, a new Section 106 Agreement would be entered into that would replace the original Agreement. 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 mix of 'private rented' accommodation, with some market sale units.

### **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: No objection to both the Section 73 and modification of Section 106 Agreement.

Housing Officer: No objection in principle, subject to Section 106 mechanism being agreed with applicant.

Environmental Health: Awaiting response.

Campaign for a Better Harrow Environment: Objection. Notes that the development of this site has been a 'disaster' and the building has blighted the town centre for five years. Accordingly, CBHE support the Council's desire to see the development completed. However, CBHE have a number of concerns about the way the application has been brought forward, the information contained within it, and the merits of the scheme. Makes the following objections:

1. The change of use of the first floor and the increase in the number of units means that these changes are not 'minor' and therefore this cannot be a Minor-Material Amendment.
2. The Committee is being asked to make a decision on the application prior to the expiry of the consultation period, and this raises questions about the legality of such a decision. It is not clear why such a strict deadline is being imposed by the developer.
3. Raises concerns about the recent changes in the political make up of the Council, and whether this will mean that the Members of the Planning Committee will have the time to properly consider this application.
4. The application is advertised as being 51 1-bed flats and 126 2-bed flats, when the plans and associated schedule of accommodation show that there would be 60 1-bed flats and 117 2-bed flats. This is a substantial shift towards 1-bed accommodation (34%).
5. 56 of the 1-bed flats and 24 of the 2-bed flats do not meet the Council's internal space standards, and thus 80 (45%) in total would be substandard. This too high to be ignored and does not comply with The London Plan (2011).
6. Significant concerns about the level of light that the new first floor flats would receive, and notes that no Daylight and Sunlight Assessment has been received.
7. Concerned about the increased pressure on local infrastructure, noting that the nearby Trident Point and Roxborough heights developments have already added to this.

Roxborough Road Residents' Association: Objection. Notes that residents in Roxborough Road have been exposed to the eyesore of this development for the last five years, and so support the principle of it being completed. However, the Association regretfully objects to this application for the following reasons. It is considered that the

living accommodation for the first floor flats would be sub-standard, especially in terms of the level of light received and the sizes of the flats. With regard to the latter, comments that only 81 of the 2 bed flats and none of the 1 bed flats would meet the Council's standards. Concerned that additional traffic would be generated and have an adverse impact on the safety of users of Junction Road, and that limited on site parking would lead to an increase in on-street parking in adjacent residential roads. Finally, that the increase in the number on units would put demands on local infrastructure that would not be met.

## **Advertisement**

Major Development / General Notification – Expiry 30/05/2013 and 17/06/2013

### **Notifications 1**

Sent: 364

Replies: 0

Expiry: 29/05/2013

### **Notifications 2**

Sent: 364

Replies: 0 (to date)

Expiry: 13/06/2013

## **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.

Emerging Development Management Policies Local Plan 2013 [DMP] and Harrow and

## Wealdstone Area Action 2013 [AAP]

The DMP and AAP which form part of the Local Development Framework [LDF] are 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. The Council received the Inspector's final Report into the Development Plan documents on 28 May 2013 and the Inspector's report has found that the AAP and DMP are sound. In light of this, and in line with NPPF paragraph 216, it is considered that the policies of the DMP and AAP can be afforded significant weight in the consideration of planning applications.

### **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 an application to the Council to amend the approved

scheme, and in conjunction with this, a new Section 106 Agreement would be entered into that replaces the existing agreement.

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 60 one bed and 117 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.

In terms of the mix of units, Officers can advise of the following existing and proposed mix and location, by unit size and floor:

Floor	Approved scheme			Proposed scheme		
	1 Bed	2 Bed	Total	1 Bed	2 Bed	Total
1 <sup>st</sup>	N/A	N/A	N/A	7	12	19
2 <sup>nd</sup>	2	18	20	7	23	30
3 <sup>rd</sup>	2	25	27	8	15	23
4 <sup>th</sup>	2	18	20	8	15	23
5 <sup>th</sup>	2	18	20	8	15	23
6 <sup>th</sup>	4	15	19	8	11	19
7 <sup>th</sup>	2	14	16	9	9	18
8 <sup>th</sup>	1	12	13	5	9	14
9 <sup>th</sup>	1	8	9	0	8	8
<b>TOTAL</b>	<b>16</b>	<b>128</b>	<b>144</b>	<b>60</b>	<b>117</b>	<b>177</b>

As can be seen, the majority – 19 – of the increase in the number of flats (of 33 in total) would be located on the 1<sup>st</sup> floor of the building, in place of the commercial units. However, with the exception of the 6<sup>th</sup> floor, the number of units on all of the other floors would be revised, in some case resulting in fewer flats (e.g. floors 3 and 9), but mostly with a small increase. Accordingly, the internal arrangements of all of the floors, with the exception of the two basements and ground floor, would be revised, with a corresponding change in the window arrangement and hierarchy.

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. It is noted that CBHE have commented that the natures of the changes being sought are not minor, and therefore this Minor-Material Amendment application must be refused.

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 (although the Planning Committee considered the application in 2001), 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.

### Emerging Harrow and Wealdstone Area Action Plan (2013)

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.

Harrow & Wealdstone Area Action Plan Policy AAP 1 *Development within Harrow Town Centre* requires proposals to contribute to meeting the needs of the town centre in terms of retail, office, leisure, community and residential uses, and to incorporate a mix of ground floor uses including retail, leisure and community, to increase the town centre's vitality. Whilst the scheme would now no longer include the provision of a leisure use on the first floor, it would still retain an active ground floor commercial frontage along Headstone Road and Junction Road. Accordingly, the scheme is considered to be consistent with this policy.

It is important to ensure that should the proposed commercial units along Headstone Road and Junction Road not be occupied immediately upon completion that some form of alternative use is allowed whereby the benefits described above can still be gained.

As such, it is considered appropriate that the applicant should submit a vacancy strategy, which could comprise the following:

- Use as a sales office/marketing suite for the residential element.
- Use a gallery / exhibition space, possibly linked to the public library on St John's Road (by the Council at nil rent and subject to service charges).
- Use of attractive temporary facades rather than blank hoardings as marketing material for the vacant units.
- Use as hoardings to advertise / promote local events particularly those taking place on the new Public Realm (e.g. music/ dance displays etc).
- Use as 'indoor' space linked to events taking place on the Public Realm. This could assist in holding events during winter months where some indoor shelter would be beneficial.

It is recommended, by way of appropriately worded planning condition, that the applicant submits a 'vacancy strategy'. This is consistent with the approach the Council has adopted on other major mixed-use urban regeneration schemes, for example the development of Equitable and Lyon House (ref. P/3118/11).

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.

In terms of the appearance of the building, it should be noted that the materials for the development will be as per those approved as part of planning condition 2 of the original planning permission. This condition stated:

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

- (a) the extension/building(s)
- (b) the ground surfacing
- (c) the boundary treatment

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

REASON: To safeguard the appearance of the locality. The development hereby permitted shall not commence until details of the means of vehicular access have been submitted to, and approved by, the local planning authority. The development shall not be used or occupied until the works have been completed in accordance with the approved details.”

Details were submitted in June 2007 for approval of the external materials, and approved in August 2007 (schedule of materials as set out on the decision notice), and the proposed scheme will reflect this.

Accordingly, it is considered that the proposed development would accord with national planning policy and the policies and proposals of the Development Plan.

### **Residential Amenity**

Since the original application was considered in 2001, Policy 7.6B, subsection D, of The London Plan (2011) has been adopted and 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 1 of the Council’s emerging Development Management Policies DPD 2013 sets out that all proposals must have regard to the massing, bulk, scale and height of proposed buildings in relation to the location, and the surroundings and any impact on neighbouring occupiers.

As set out above, the proposal does not seek to increase the height or scale of the building, and therefore it is considered that there would be no material difference in terms of the impact on adjacent residential occupiers.

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. Whilst 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 (55%) 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. In terms of the layouts of the flats, whilst some of them would fall below the Mayor's Housing SPG (2012) standards insofar as the gross internal area is concerned, in most other respects, they are considered to be consistent with the SPG. For example, the flats are of an appropriate layout and shape, that allows the efficient use of the circulation space. Given the above, it is considered that the application is acceptable in this respect.

In terms of the access to light for the first floor units, in particular units 101, 102, 118 and 119, it is accepted that the juxtaposition of the 'detached' three storey mews building, and their orientation, would lead to this being limited. The applicant has undertaken to provide a BRE Daylight Sunlight Assessment in relation to these units, and the results of this will be reported to the Planning Committee. It is noted that the Roxborough Road Residents' Association have raised objections with regards to these matters.

### **Highway Impacts**

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.

The Council's Highway Authority has assessed the impact of the proposed changes to scheme and has raised no objection.

### **Car Parking**

The number of on-site parking spaces equates to 203 at lower ground and basement level which is to remain as per extant permission (East/106/01-FUL). The proposal for a revised C3 mix of 60 x 1 bed and 117 x 2 bed units would demand somewhere in the region of up to 177 spaces in accord with The London Plan (2011) maximum standards.

The applicant has advised that 30 of the spaces would be for the commercial occupiers of the ground floor, which would leave the remaining spaces to be used for the residential occupiers, which is broadly consistent with The London Plan (2011) requirements. Accordingly, the Council's Highway Authority has stated that as the parking provisions are based on the extant planning permission, there is no specific objection or concern with the overall quantum provided irrespective of potential use split as any higher provisions reduce potential detrimental overspill onto the highway. Condition 17 of the original planning permission requires details of a strategy for the management of the car parking spaces,

The Council's Highway Authority has advised that there should be an effort made toward provisions such as electric vehicle charging (ECV) compliant spaces (20% passive and active) with a 5% disabled bay provision. Planning condition 15 has been amended to take account of this, and is recommended to be added to the planning permission to require this.

### **Cycle Parking**

For the residential use there should be a provision of pedal cycle spaces in line with Council and The London Plan standards. Given the constraints that exist within the site – i.e. that it has already been constructed and no specific provision has been made for cycle storage, it is considered appropriate to impose a planning condition that would require the submission of details indicating the maximum reasonable number of spaces within the building.

### **Traffic Generation**

It is noted that CBHE and the Roxborough Road Residents' Association have raised concerns with regards to an increase in traffic generation from the additional units. The Council's Highway Authority, however, has advised that the level of traffic activity associated with the proposal had been accepted in principle at the original planning permission stage previously, and even allowing for traffic growth since that time, there are no specific issues anticipated to arise from the peak use of the site and therefore the proposal is acceptable in this respect.

### **Access Arrangements**

The entrance to the development is as per that approved as part of planning condition 6 of the original planning permission. This condition stated:

“The development hereby permitted shall not commence until details of the means of vehicular access have been submitted to, and approved by, the local planning authority. The development shall not be used or occupied until the works have been completed in accordance with the approved details.

REASON: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.”

Details were submitted in June 2007 for the approval of the position of the access, and approved in August 2007 (plan ref L0103), and the proposed scheme drawings reflect this. The Council's Highway Authority has advised that the established access point via Junction Road is accepted as per the original 2005 permission, and with the moderate traffic movements expected throughout the day the access is considered acceptable on highway grounds.

### **Refuse and Servicing Arrangements**

The refuse storage area is as per extant permission and a servicing regime is therefore expected achievable without envisaged detriment to traffic movement or road safety. Condition 13 of the original planning permission requires details of a strategy for the management of the waste and refuse.

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

The Council's Highway Authority has requested that a full CLP be secured given the 'traffic sensitive' location of the site. A planning condition is recommended accordingly.

### **Green Travel Plan**

The Council's Highway Authority has requested that a Green Travel Plan be secured 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). A planning condition is recommended accordingly.

### **Accessibility**

The previous application was assessed against the policies of the Harrow Unitary Development Plan (1994). However, the previous policies 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 Lifetime 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 Lifetime Homes standards where appropriate. It is also noted that planning condition 3 of the original consent required details of access into the building. The details for this condition have already been approved by the Council.

### **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, requires a new Section 106 Agreement being entered into by the applicant and the Council. This new Section 106 Agreement would remove the obligation in the original 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. Members should note that a payment of £1,032,660 has already been made as per the original Agreement, and the new Agreement would be structured in such a way that this payment would be unaffected.

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 Provider but, in order to secure the viability 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.

The Council's recently adopted Housing Strategy recognises the contribution that a healthy private rented sector can make to the provision of housing solutions for those who cannot access home ownership or affordable housing. The Strategy states that the Council is open to supporting private rented housing development through the planning system and that, in considering development options, the council will include the aspiration to grow the private rented sector in Harrow, 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 due to viability issues, 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 the Government to have regard to development viability, Officers are nevertheless seeking to negotiate with the developers to confirm the current viability of the development (and its ability to contribute to affordable housing), for use as a benchmark against which the development will be reassessed at a later point in time prior to transfer of any units to a Registered Provider or other third party. This would allow a revised assessment of the scheme's 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 is proposed for insertion into the Section 106 Agreement that would require a financial appraisal to be submitted to the council to establish the gross development value of the scheme prior to future transfer of units. This would be compared back to the benchmark gross development value to be established now and would work as 'claw back' clause to ensure that any future uplift in the gross development value is made available to the

council, currently proposed in negotiations to be in the form of either a number of rental housing units, either on or off site, charged at local allowance rates with nomination rights to the council, or a percentage of any uplift in gross development value, to be paid as an affordable housing contribution.

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

### **Other matters**

It is noted that the original planning permission was subject to 17 planning conditions, and that condition 18 was added to the permission by way of Non-Material Amendment application P/1155/13. As referred to in the report above, a number of these conditions have been discharged in August 2007; these are: conditions 2 (materials), 3 (pedestrian access), 6 (vehicular access), 7 (sight lines) and 11 (levels). Condition 12 was applied for but not approved, and so remains outstanding.

Accordingly, the recommendation to grant the Minor-Material Amendment planning permission under Section 73 of the Act is subject to the existing conditions which have been approved, the conditions which remain outstanding, and new conditions referred to in the report above. Condition 1 has been removed because the development has commenced within the three year period required, and so is no longer relevant. Condition 15 of the original planning permission restricted the hours of use of the health club, which no longer forms part of the permission, and therefore is removed from the new permission. All of the reasons for the planning conditions have been updated to reflect current planning policies.

### **Consultation Responses**

These are dealt with in the consideration of the report above.

## **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 materials for the development shall be carried out in accordance with the details approved under application P/2021/07/DDP dated 15/08/2007

REASON: To ensure a satisfactory form of development and safeguard the appearance of the locality, thereby according with policies 7.4.B and 7.6.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policy DM1 of the Emerging Development Management Policies Local Plan 2013.

2 The access for the development shall be carried out in accordance with the details approved under application P/2021/07/DDP dated 15/08/2007

REASON: To ensure adequate access into the building, thereby according with policy 7.2 of The London Plan 2011 and policies DM1 and DM2 of the emerging Development Management Policies Local Plan 2013.

3 No demolition or site works in connection with the development hereby permitted shall commence before:-

(a) the frontage.

(b) 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 in accordance with policies DM10, DM42 and DM43 of the emerging Development Management Policies Local Plan 2013.

4 The existing access(es) shall be closed when the new access(es) hereby permitted is/are brought into use, and the highway shall be reinstated to the satisfaction of the local highway authority.

REASON: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway in accordance with policies DM10, DM42 and DM43 of the emerging Development Management Policies Local Plan 2013.

5 The vehicular access for the development shall be carried out in accordance with the

details approved under application P/2021/07/DDP dated 15/08/2007

REASON: To ensure adequate provision of parking and a satisfactory form of development, thereby according with policy 6.3 of The London Plan 2011, policy CS1 R of the Harrow Core Strategy 2012 and policies DM42 and DM43 of the emerging Development Management Policies Local Plan 2013.

6 The sight lines for the development shall be carried out in accordance with the details approved under application P/2021/07/DDP dated 15/08/2007

REASON: To ensure adequate provision of parking and a satisfactory form of development, thereby according with policy 6.3 of The London Plan 2011, policy CS1 R of the Harrow Core Strategy 2012 and policies DM42 and DM43 of the emerging Development Management Policies Local Plan 2013.

7 The development hereby permitted shall not be occupied until the car parking, turning and loading area(s) shown on the approved plan number(s) (0815) (00)-B-01 Rev.B and (0815) (00)-LG-02) Rev.B have been constructed and surfaced with impervious materials, and drained in accordance with details submitted to, and approved in writing by, the local planning authority. The car parking spaces shall be permanently marked out and used for no other purpose, at any time, without the written permission of the local planning authority.

REASON: To ensure adequate provision of parking and a satisfactory form of development, thereby according with policy 6.3 of The London Plan 2011, policy CS1 R of the Harrow Core Strategy 2012 and policies DM10, DM42 and DM43 of the emerging Development Management Policies Local Plan 2013.

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

REASON: To ensure a satisfactory form of development and safeguard the appearance of the locality, thereby according with policies 7.4.B and 7.6.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policy DM1 of the Emerging Development Management Policies Local Plan 2013.

9 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 2 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To ensure a satisfactory form of development and safeguard the appearance of the locality, thereby according with policies 7.4.B and 7.6.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policy DM1 of the Emerging Development Management Policies Local Plan 2013.

10 The site levels for the development shall be carried out in accordance with the details approved under application P/2021/07/DDP dated 15/08/2007

REASON: To ensure a satisfactory form of development and safeguard the appearance of the locality, and protect neighbouring residential amenities, thereby according with policies 7.4.B and 7.6.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policy DM1 of the Emerging Development Management Policies Local Plan 2013.

11 The development hereby permitted shall not be occupied until surface water attenuation/storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk accordance with policy 5.12.B/C/D of The London Plan 2011 and policy DM10 emerging Development Management Policies Local Plan 2013.

12 The development hereby permitted shall not be occupied until a scheme for:-

(a) The storage and disposal of refuse/waste

(b) and vehicular access there to

has been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied or used until the works have been completed in accordance with the approved plans and thereafter retained as such.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties, thereby according with policy DM44 of emerging Development Management Policies Local Plan 2013.

13 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, as required by policy 7.15 of The London Plan 2011 and saved policies D4 and EP25 of the Harrow Unitary Development Plan 2004.

14 No part of the development shall be occupied until highway works along the frontage of the site in Junction Road and at the junction of Junction Road with Headstone Road have been secured and completed in accordance with a scheme to be submitted to and approved in writing by the Council, and pelican crossings at the junction of Headstone Road and Kymberley Road have been installed and are in operation.

REASON: In the interests of highway safety in accordance with policy 6.3 of The London Plan 2011, policy CS1 R of the Harrow Core Strategy 2012 and policies DM42 and DM43 of the emerging Development Management Policies Local Plan 2013.

15 Before the development hereby permitted is occupied a scheme for the management of the parking spaces, including the provision of 10% for disabled bays, and the provision of Electric Charging Points, shall be submitted to and approved in writing by the Local Planning Authority. The car park shall be operated in accordance with the approved scheme.

REASON: To ensure adequate provision of parking and a satisfactory form of development, thereby according with policy 6.3 of The London Plan 2011, policy CS1 R of the Harrow Core Strategy 2012 and policies DM42 and DM43 of the emerging Development Management Policies Local Plan 2013.

16 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 Green 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 policy CS1 R of the Harrow Core Strategy 2012 and policies DM42 and DM43 of the emerging Development Management Policies Local Plan 2013.

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

REASON: To ensure the delivery of a sustainable development which seeks to minimise travel by private car in accordance with the National Planning Policy Framework, policy 6.9 of The London Plan 2011 and policy CS1 R of the Harrow Core Strategy 2012 and policies DM42 and DM43 of the emerging Development Management Policies Local Plan 2013.

18 Within three (3) months of the date of this permission, a Construction Logistics Plan (CLP) shall be submitted to, and approved in writing by, the local planning authority. The approved CLP shall be adhered to throughout the construction period.

REASON: To manage the impact of the development in terms of the traffic movements upon the local area during its construction in the interests of public amenity and the local natural environment in accordance with policy DM1 of emerging Development Management Policies Local Plan 2013.

19 Within six months of the permission hereby granted, a Vacancy Strategy shall be submitted to the local planning authority in writing. The Vacancy Strategy shall include (but not be limited to) a scheme to ensure that the approved A1/2/3 units that front onto Station Road can be utilised for temporary alternative uses in the event that commercial occupiers cannot be found upon completion of the units. The Vacancy Strategy shall be approved in writing by the local planning authority and shall be implemented in strict accordance with the approved details thereafter, unless otherwise agreed in writing with the local planning authority.

REASON: To ensure the vitality and viability of the area and safeguard the appearance of the locality in accordance with The London Plan 2011 policy 4.12 and policy DM1 of emerging Development Management Policies Local Plan 2013.

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

P1-01, (0815)(00)-B-01 Rev B, (0815)(00)-LG-02 Rev B, 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.

## **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.

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:**

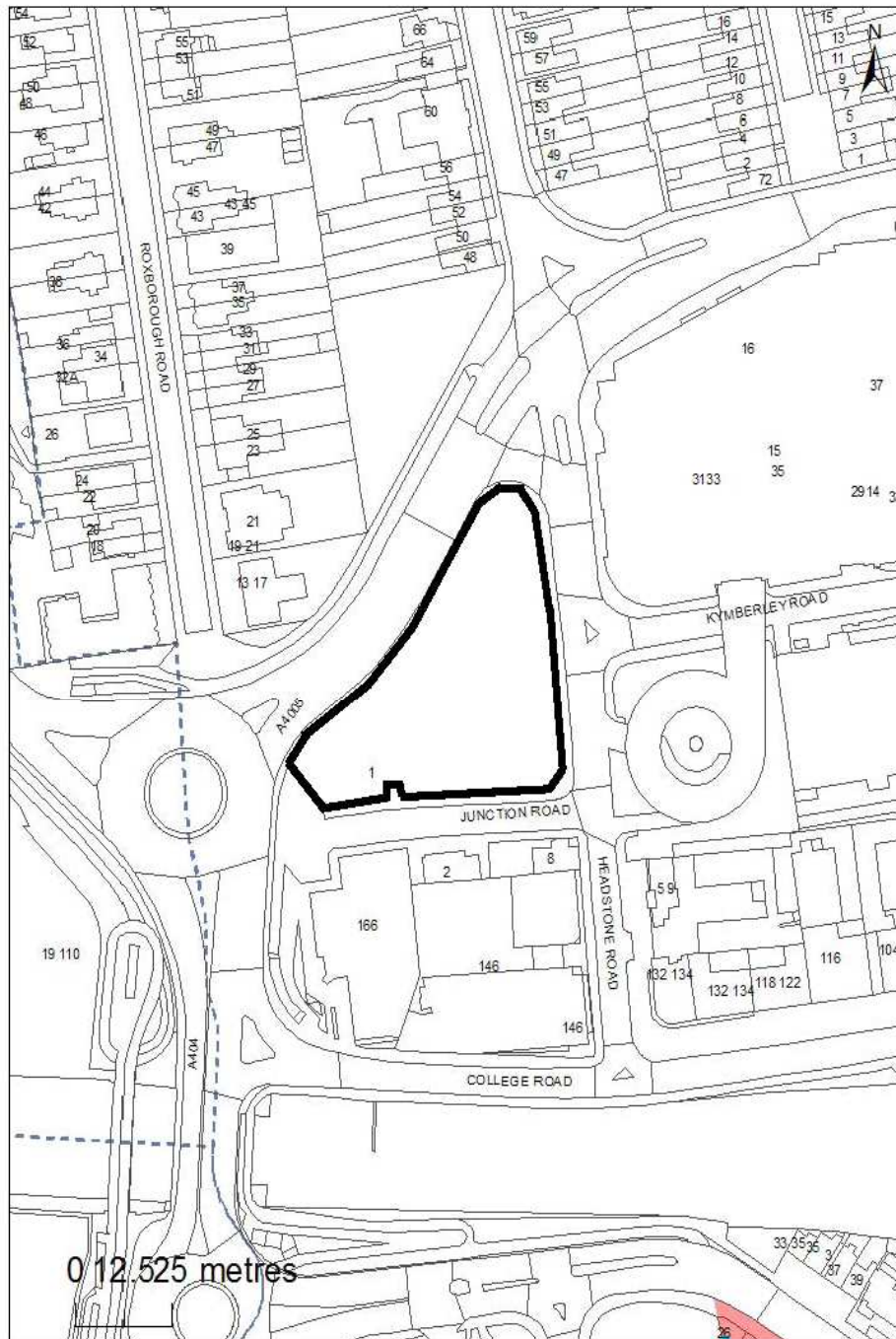
Supplementary Planning Document: Residential Design Guide (2010)  
Supplementary Planning Document: Accessible Homes (2010)  
Supplementary Planning Document Sustainable Building Design (2009)  
Supplementary Planning Document: Access for All (2006)  
Code of Practice: Refuse Storage and Collection of 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: P1-01, (0815)(00)-B-01 Rev B, (0815)(00)-LG-02 Rev B, 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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Item No. 1/02

Address: VAUGHAN PRIMARY SCHOOL, VAUGHAN ROAD, HARROW

Reference: P/2515/12

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

Ward: WEST HARROW

Applicant: HARROW COUNCIL

Agent: LOM

Case Officer: NICOLA RANKIN

Expiry Date: 14<sup>TH</sup> MARCH 2013

## **RECOMMENDATION**

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

Regulation 3 applications are applications for planning permission by a local authority to develop any land of that authority. In this instance, the applicant is the London Borough of Harrow and the land at Vaughan Primary School, Vaughan Road, West Harrow, HA1 4EL.

## **REASON**

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

The proposed school will provide important social infrastructure, to enhance educational facilities and help meet the growing population and forecast demand for primary school places in accordance with Harrow Core Strategy Policy CS1 and the NPPF. Whilst involving development on designated open space the development of the existing playing field is considered an acceptable departure from the development plan because the proposal is considered to make suitable re-provision of new external space within the site that would meet the needs of the school and provide for a range of activities

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

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

Subject to conditions, it is considered that the proposed new building and increased capacity of the school would not to have a significantly harmful impact on the amenities of any neighbouring occupiers. Whilst likely to give rise to localised, short term congestion in the vicinity of the site, the impact on traffic safety and the amenities of those living in the locality arising from the additional congestion is considered to be justified by the improved capacity and quality of educational facilities within the locality to which the NPPF (2012) provides significant weight. Outside of the peak times, the proposal is considered not to result in unacceptable pressure on local roads and will not be to the detriment of highway safety. The proposed school is accessible to all and will provide a safe and secure environment for users.

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

## **INFORMATION**

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

## **Legal Comments**

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

The application is made by LB Harrow who intend to carry out the development on the land at Vaughan Primary School, Vaughan Road, West Harrow, HA1 4EL.

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

**Statutory Return Type:** Major Development

**Council Interest:** The Council is the landowner.

**Gross Floorspace:** 2646sqm

**Net additional Floorspace:** 337sqm

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** £0: The Mayor of London's Charging Schedule (February 2012) outlines that CIL will not be payable where "Development is used wholly or mainly for the provision of education as a school or college under the Education Acts or as an institution of higher education".

### **Additional Information**

The application was considered at the Planning Committee on April 17<sup>th</sup> 2013. It was moved, seconded and put to the vote that the application be deferred to enable officers to liaise with the applicants to explore whether there were any alternative solutions to the school expansion other than that which was presented to the Committee. The motion was put to the vote and carried.

Letters were sent to neighbouring residents on the 23<sup>rd</sup> April 2013 to inform them that members had opted to defer the decision on the application, pending further information on expansion options on the site.

In response, the applicant has provided additional information within a planning design report attached at appendix A in support of the application. The report outlines the site locations that have been considered and provides a justification on why the current proposed option was selected.

The report stresses that the main driver behind the project is the need to increase the capacity of the site, whilst, inter alia, providing a safe, high quality learning environment for the Children. The report outlines a series of considerations, reflecting both physical (distances from boundary, trees, access, neighbouring properties), operational (need for a clear sight of access gateway, desirability of natural ventilation and the mitigation of noise impacts) as well as development cost considerations in determining four potential development options. These comprise; building new classrooms on part of the existing footprint; constructing a new building to the south of the site as well as the current proposed option to provide a new building in the northern part of the site.

The report outlines how the options of building on the existing footprint of the site and towards the south of the site was discounted due to the additional cost associated with the need for temporary accommodation and additional flood risk provision. In order to enable either of these options to be constructed pupils would also need to be decanted to another location off the site. Decanting pupils to the Teachers Centre as suggested by members at the Planning Committee, was discounted, given the distance (1.8 miles from the school) which would increase journeys time and walking distances for primary school children. A proposed building in the southern part of the site would, because of the proximity to the railway, result in the need for non opening classroom windows with mechanical, instead of natural, ventilation of the building and, along with the two options above, would fail to meet Secure By Design Objectives for a clear line of sight between the reception and the main site access gate.

The report therefore contends that the option for development on the northern part of the school site was developed as the preferred option as it would best meet the development objectives. The Planning Design Report was published on the web page on 3<sup>rd</sup> June 2013 and additional letters of notification sent to all neighbouring residents to inform them of the additional information provided by the applicant.

### **Site Description**

- The application relates to a primary school accessed from the southern side of the junction of The Gardens and Blenheim Road, located within West Harrow.
- The school site covers an area of area of approximately 1.4 hectares.
- The site is solely occupied for educational purposes by Vaughan Primary School.
- The site is embedded within an area primarily comprised of residential housing with

modest scale commercial uses (including a car repair garage and shops) clustered around the site entrance at the junction of The Gardens and Blenheim Road.

- The Vaughan school site is entirely enclosed and has no public frontage beyond the main school gate entrance at The Gardens.
- The residential gardens of the predominantly semi-detached properties of Dorchester Avenue adjoin the western boundary of the site. To the north west of the site are the rear gardens of the properties of 127 to 135 Blenheim Road. Adjacent to this is a car workshop and garage.
- The eastern boundary of the site adjoins the rear gardens of the residential properties situated along the western side of The Gardens.
- The south western boundary of the site adjoins the West Harrow allotments.
- West Harrow London Underground tube station is located along The Gardens and rail tracks run adjacent to the south eastern boundary of the site.
- There are two points of access to the school. The main access for both pedestrians and vehicles is from The Gardens which consists of a narrow driveway and adjacent public footpath. There is a further pedestrian entrance accessed from a footpath to the northern side of West Harrow Station.
- The existing school is comprised of three distinct parts which include the “infant school,” the “junior school” and the “administration area and hall.”
- The “infant school” is contained within a single storey 1980s building which is centrally located within the site while the “junior school” is located in a two storey building towards the southern boundary of the site. The administration and hall block is linked to the infant and junior school. There is also a separate single storey mobile structure adjacent to the south eastern side of the administration/hall block which is used as a music room.
- The boundaries of the site are mixed, being occupied by a mix of mature trees and vegetation and more formal “open” type fencing structures (including chain link and concrete post fences. The density of vegetation varies considerably and is greater towards the southern, south eastern and south western boundaries of the site. Other parts of the site, notably towards the North Eastern corner, are more open with clearer views into gardens. None of the trees within the site or along the boundaries are subject to a Tree Preservation Order.
- The school has two existing hard outdoor play spaces. A smaller hard play spaces is located adjacent to the western side of the existing infant school. The main outdoor hard play and games area is located adjacent to the southern and south east boundary of the site.
- The school also has two soft outdoor playing areas, including a playing field which is located to the northern side of the site and a small grassed area in the south eastern corner of the site.
- Both the playing field and the small grassed area of land in the south eastern corner of the site together with the area of land to the west of the school buildings and a small strip of land adjacent to the southern boundary of the site is allocated as designated open space as identified in the Harrow Core Strategy (2012). The designated open space covers an area of 6810m<sup>2</sup>.
- The entire site lies within flood zone 3b (functional floodplain) as identified in the Harrow Strategic Flood Risk Assessment (2011). The highest point of the site is located towards the south eastern corner with the lowest point of the site located approximately 70 metres from the northern boundary of the site. There are no significant falls across the site with the ground gently sloping towards the low point from all directions.

## Proposal Details

- The proposal is for the re-development/reconfiguration of the entire school site over a series of construction phases to provide a new two storey building; remodelling of existing single storey building; demolition of existing structures together with associated landscaping to include hard and soft play areas; boundary treatment; alteration to car parking layout; provision of cycle storage and refuse store. To facilitate the development, it is also proposed to divert the culverted watercourse [Smarts Brook] from its existing alignment across the playing field in the north eastern corner of the site. This is the subject of a separate application for Land Drainage Consent.
- The proposal would result in the expansion of the existing primary school from a two form entry primary school (420 pupils) to a three form entry primary school (630 pupils). The proposed increase in the number of pupils would be incremental and would achieve the full increase in capacity by 2018.
- The proposed new two storey junior block would be sited towards the northern end of the site on the existing school playing field. It would have a footprint of 1196m<sup>2</sup> and an overall gross internal area of 2016m<sup>2</sup>.
- The irregular shaped two storey junior block would be comprised of a series of blocks and subservient linking elements. The ground floor would consist of 6 classrooms, hall space together with ancillary storage office and WC and kitchen facilities. The first floor would include a further six classrooms, further group teaching spaces a staff room and further ancillary storage and office space. The blocks would be elevated between 8.3m and 8.92m above existing ground level in response to the conclusions of the Flood Risk Assessment.
- The hall would face towards the eastern boundary of the site while the classrooms blocks of the junior school would be oriented towards the western and southern sides of the site.
- The western elevation of the building would have a total width of 44.7 metres with the western teaching block making up 24.5 metres of this distance. The eastern elevation of the building would span a distance of approximately 46.25 metres, while the southern elevation would have a width of 40.7 metres.
- The building would have a flat roof with differing heights; with the main teaching blocks being linked by subservient components. The hall and the western and southern classroom blocks would have a maximum height of 8.92 metres while the linking elements of the building would have a height of 8.3 metres.
- The proposed finish for the hall is brick and the classroom blocks would be a light coloured render whilst the linking circulation and ancillary elements would be finished in an untreated cedar cladding.
- Rooflights and photovoltaic panels would be installed on the proposed new junior block.
- A new covered canopy link would be provided between the infant block and the proposed junior block.
- The existing infant block building would be retained by remodelled with minor alterations.
- The internal space of the infant block would be remodelled to provide 9 teaching classrooms and a further classroom space for the nursery together with ancillary storage space and WCs.
- Four external canopies would be provided adjacent to the eastern elevation of the building for reception classes. A further small canopy and toilet block and sick bay area would be added to the southern side of the building. This addition would have a maximum depth of 8 metres and a maximum width of 16.3 metres.

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

### **Relevant History**

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

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

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

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

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

P/1523/09 single storey extensions within the school compound and new play areas to the north of the first school; new hardsurfaced area to provide parking adjacent to

boundaries shared with 19-37 (odd) the gardens and a waiting area to the north of the first school and external alterations

Granted : 10/09/09

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

Granted : 16/07/2010

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

- The site lies within flood zone 3b as identified within the Harrow Strategic Flood Risk Assessment. A robust FRA would be required as part of the application and is critical to the acceptability of the proposal. The FRA will be required to demonstrate how flood risk from all sources of flooding to the development itself and flood risk to others will be managed now, and taking climate change into account. The Harrow strategic flood risk assessment should inform the FRA
- The proposed layout of the site should retain cohesion between the infant and junior block. The siting of the proposed sports pitches and play areas away from residential properties is welcomed in terms of noise mitigation. Although the buildings are largely obscured from the public realm, care should however be taken to ensure that any new buildings (particularly with regard to their scale, setting, materials and designs) were sympathetic to the residential character of the area.
- Policy C7 of the UDP and in particular supporting paragraph 9.29 suggests that new development must not be detrimental to the environmental quality of the locality or amenities of residents. The paragraph also notes that there will be a limit to school expansion (where it causes unacceptable harm). It would be critical for the application to demonstrate that any adverse effects arising from the additional users of the school would be mitigated or avoided.
- To avoid perceptions of overlooking to neighbouring properties along the north western boundary careful consideration will need to be given to the treatment of the upper floor windows. Further landscape screening will be required along the north western boundaries of the site.
- The overall concept of the building seems appropriate and it is important that the material and detailed treatment reinforces this concept rather than accidentally muddying it. Classroom blocks should be articulated in a refined and simple way, with simple geometry, clean detailing and well judged proportions.
- Applications of this type generally propose the submission of a travel plan to decrease the use of private vehicles in support of their intentions.
- Although the use of the MUGA would be encouraged for community access, consideration would need to be had to the hours of use and need for floodlighting so as not to result in detrimental impacts on the residential amenities of the surrounding neighbouring occupiers.

### **Applicant Design and Access Statement (Summary)**

- There are number of existing accommodation issues with the school. There is a major issue with the existing school access and maintaining access to the school site due to the current location of the admin office which is at the centre of the school with no direct opportunities for surveillance.
- The hall and nursery are located in a linked series of buildings which are in a poor state of repair. The school hall is configured of three separate spaces and is not suitable for the schools needs.
- The configuration of spaces within the infant school is poor. Both the junior school



block and halls are CLASP buildings in a poor state of repair, are in poor condition and are poorly configured.

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

- ∨ Arboricultural Report
- ∨ Acoustic Report
- ∨ School Activity Noise Assessment
- ∨ Ecological Report
- ∨ BB99 Assessment
- ∨ Daylight/sunlight report
- ∨ BREAAAM pre- assessment
- ∨ Flood Risk Assessment

### **Consultations:**

#### **Note:**

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

**Highways Authority:** "There is no specific concern or objection to the expansion proposal. Parking near to the school is controlled by the existing controlled parking zone (CPZ) which operates Mon to Fri 10 am –11 am hence it is unlikely that the expansion would generate any long term parking issues on-street.

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

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

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

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

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

Management Policies DPD states that areas within your Developed 3b will be treated as high probability flood risk areas.

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

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

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

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

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

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

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

**Condition 1**

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

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

**Condition 2**

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

The flood level shall be determined under the following conditions:

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

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

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

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

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

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

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

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

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

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

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

Bird boxes or bird bricks should be erected in suitable locations on the new school buildings. These should cater for Regional (London) or UK Biodiversity Action Plan (BAP) species particularly those characteristic of urban places e.g. starling, house sparrow and swift. As stag beetles have been reported in the locality - timber from

suitable trees subject to removal as part of the works should be employed to build loggeries below trees that are to remain - deadwood is a Harrow BAP habitat.

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

### **Advertisement**

#### Press advert:

Major Development Expiry:

Expiry : 21<sup>st</sup> March 2013

Departure from Development Plan

#### Site Notices x 10:

Major Development

Expiry: 15<sup>th</sup> March 2013

Departure from Development Plan

### **Neighbour Notifications**

Sent: 399

Objections: 330 including two petitions of objection, one with 176 signatures and one with 36 signatures

Supports: 1135 including one petition with 1125 signatures.

Expiry: 13.03.2013

### **Addresses Consulted**

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

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

## Summary of Responses

### Petition 1

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

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

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

### Petition 2

A further 10 page petition has been received by the Council on the 2<sup>nd</sup> April 2013. The London Borough of Harrow has a petition scheme (2010). Under paragraph 2.1 of this published document it states: “Petitions submitted to the Council must include a clear and concise statement covering the subject of the petition, including the action the petitioners wish to take and the names, addresses and signatures of people who support the petition and who live, work or study in the Borough of Harrow. The address given must be a home, work or study address in the Borough”.

Of the 10 pages comprising the document, 148 names are listed over the first 7 pages. These **148** individuals have not been explicitly referenced in the overall number of objections for the scheme as they are not accompanied by a signature as required by the petition scheme of the Council. **62** of these individuals have specified that their address is within the London Borough of Harrow. The comments attributed to these 148 individuals are nevertheless listed below and should be accorded weight as a material planning consideration:

“The Council must find an alternative solution that provides a fit for purpose school, minimises local impact and gives proper value for money. The current plans are unacceptable because:

1. “There will be a reduction in parking spaces despite the number of extra teachers which will cause major parking problems in our local roads.
2. The schools catchment area will at least double bringing considerable extra traffic into the local area.
3. Despite the extra traffic the Council have not undertaken a traffic impact assessment.
4. The new school building is being built on a flood plain which could increase the risk of flooding to a large number of homes, a risk that is likely to increase in the coming years.

5. To help alleviate flooding 1200m<sup>2</sup> of the new schools playground is being lowered by 31cm – it is acknowledged this will cause the playground and the car park to flood.
6. Nearly half a million pounds is being spent on re-directing an underground stream that currently runs across the school field to provide huge underground water storage tanks and a pump because of poor drainage in the school grounds.
7. There is a minimal increase in overall outdoor play area despite the increased numbers (and a considerable amount of this will flood)
8. The size of the new classrooms will be below school building guidelines.
9. To try to reduce the amount of traffic during school run time the Council are adding more bike spaces to encourage cycling - this is despite the school itself saying that they do not have a cycling policy as the local roads are too dangerous.
10. The school field is currently designated as Open Space yet the Council are still going to build on it – What will be next?
11. Six of the new classrooms will directly overlook neighbouring properties, not only invading their privacy but also meaning that they will be able to look directly into classrooms.
12. There will be considerable increase in noise for neighbouring properties. There has to be a better option.”

The remaining 3 pages of the petition are accompanied by **36 signatures**. Page 8 of the petition is attributed to the following comments:

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

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

It will be for members to have proper regard to all of the comments submitted, but to recognise the position on the definition of a petition contained in the Council guidelines. Officer’s assessment has had regard to all of the points raised in the representations above.

The letters of objection are summarised as follows:

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

- There will be a reduction in parking spaces despite the number of extra teachers which will cause major parking problems in our local roads
- The school catchment area will at least double, bringing considerable extra traffic to the local area.
- Despite the extra traffic the Council have not undertaken a Traffic Impact Assessment.

- To try to reduce the amount of traffic during school run time, the Council are adding more bike spaces to encourage cycling – this is despite the school itself saying that they do not have a cycling policy as the roads are too dangerous.
- The traffic around Blenheim Road and the Gardens is already very busy, so any additional children with parents and vehicles will only make matters worse.
- The immediate neighbouring roads surrounding Vaughan School are already burdened by parking restrictions and traffic in the area is a danger to children crossing the road safely. Further expansion will provide more tension and will have a major impact on the safety and security of individuals and property.
- Safety of the school is a priority – cycle rack are being proposed despite the schools travel plan saying that cycling in the area is dangerous.
- The Design and Access Statement ignores that there are unmarked car parking spaces in an attempt to make it look like there is an increase in parking spaces.
- There is clearly an acknowledgement in the Design and Access Statement that the School entrance is dangerous.
- The proposal will affect the availability for the residents to park.
- There will not be enough parking for the additional teachers.
- There are no suitable places to cross the road for children.
- The increase in school children attending would be from outside the catchment and this would result in an increase of pupils coming to the site by car.
- There are already instances of cars blocking resident's drives and stopping in dangerous places and this is likely to get worse.
- There is a garage next the school entrance. Customers dropping their cars and the increase in pedestrian footfall is likely to result in an increased risk of traffic accidents.

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

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

### **Impact on the Floodplain**

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



- Development on the flood plain is likely to destroy the foundations of the surrounding houses.
- Building on a flood plain is against statutory planning policy. It is not good enough to adjust ground levels as this only pushes the problem elsewhere, including the new playground and car park area.
- There have been numerous changes to the Flood Risk Assessment one of which is the introduction of a school flood evacuation plan and the need to provide compensation for the flooding at the outset of the building programme.
- The flood evacuation plan only serves to protect the school within school hours. There is no consideration given to the needs of the residents to evacuate if the school should flood or if it would flood at night or during the school holidays.
- The Flood Risk Assessment makes reference to flood zone 3n and flood zone 1.
- The flood calculations are not accurate and the flood compensation areas are not adequate.
- There is no risk evaluation in the event of the failure of components outlined in the FRA and the impact on the residential properties nearby.
- No details have been provided in relation to the maintenance and servicing of the pumps.
- Should the pumps fail, a contingency fund should be put in place for the residents.

### **Impact on Open Space**

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

### **Impact on Residential Amenity**

- Six of the new classrooms will directly overlook neighbouring properties not only invading their privacy but meaning that they will also be able to look directly into classrooms.
- There will be a considerable increase in noise for neighbouring properties.
- The proposal will result in overcrowding of the area and will downgrade the neighbourhood.
- The proposed expansion will have a detrimental impact on the quality of life of the residents and the local community.
- The 1.4 hectare site is large enough to consider planning further away from short neighbouring gardens.
- The proposal will result in a loss of natural daylight to neighbouring properties and gardens.
- The level of noise and air quality will have a direct impact on us not only during the construction which we will have to put up with for the next two years.
- The proposal will generate more waste and scattered garbage in the local streets.
- The proposal will result in an increase in noise pollution in the area.
- Building on the school playing field will result in a loss of views for the surrounding neighbouring residents which would be unacceptable.
- The proposal would be overbearing on the neighbouring residential properties.

- The proposed two storey building is an overdevelopment of the site and will result in a loss of privacy, lack of sunlight and sense of open space.
- The noise generated during school time is much higher than the decibel rating suggested in the reports.
- The noise disruption is not only limited from 8am -4pm but could last latter into the evening.
- The noise report only considers the acoustic levels of the north west area but not the whole school.

### **Other Issues**

- How deep will the foundations need to be for the new build block? What sort of effect will this have on the foundations concerning the railway?
- The size of the new classroom will be below school building guidelines.
- The increase in school children attending would be from outside the catchment.
- The population of Harrow has remained the same over the last 2 decades so I do not consider the additional space is needed.
- The Council have previously closed a number of schools across the borough. This is short sited.
- The proposed new classrooms would be below the guidance size set out in the Government Guidelines (BB99).
- The consultation on the application has been insufficient.
- The movement of heavy plant and machinery around the site would be extremely dangerous on a site occupied by children.
- Use of temporary accommodation could be situated on the field while the primary school is demolished.
- According to the title deeds of the school the allotments and the school are all registered under one title and it would be possible to build on this land.
- The building works will be disruptive to the education and health of the children.
- The project will cost £8.9 million but no analysis has been given to particular costs.
- Alternative redevelopment proposals have not been ascertained or quantified. There are other areas including the allotments that could be considered.
- Compensation and the loss of value of the resident's properties adjacent to the new school re-development have not been evaluated.
- The children using the school are not from the immediate community.
- No consideration has been given to the impact of the building on surrounding structures and properties or to the Party Wall Act.
- The proposal will result in a loss of biodiversity at the site.
- Building regulations have not been considered.
- Currently there are restrictive covenants on many of the households within their premises and beyond their fences.
- Other options should be considered including the following:
  - Re-develop the existing site on a like for like basis
  - Re-develop the planning application including the first set of residential houses in order for the drainage to work.
  - Increase the school capacity at other sites which are not as heavily populated or as vigorously defended by the residents.
  - Re-develop the existing development but with additional storeys and increase the size of the buildings and the rooms.
- The proposed building does not meet BB99 Building requirements
- The school should re-develop the existing building and should use temporary

mobiles whilst the work is being undertaken.

- There is no need to proceed with the proposal as there are six other school projects that have already gained planning permission to deal with additional school children.
- The BREEAM standard is a poor benchmark for design.
- A site visit has not been undertaken in connection with the submitted ecological report.
- Further time and discussion is needed because the local authority website, an in particular then IT system, has been slow and information and complaints have taken many weeks to display.
- Consultation and dialogue and notification is infrequent and insufficient.
- Other alternative options have not been fully explored.

The 10 letters received in support of the application are summarised as follows:

- There are structural and logistical issues with regard to the introduction of a 3 form entry primary school and the only way to realistically cope with this is a new build.
- Urgent improvements are needed to the school to support the teaching of the local community's children.
- The proposed build is the most effective solution in terms of facilities which will be available and most importantly it will be the least disruptive to children's education.
- Vaughan is a vibrant community school that should be supported to grow and expand in order that it can support more of our young people.
- West Harrow is a popular community with young families without the expansion Vaughan will not have the capacity to meet the demand.
- The existing school is not fit for purpose even without the expansion.
- West Harrow is a popular and wonderful place for families, which needs to be supported by a local school that can cope with the local demand.
- Vaughan is a lovely community school with a great history. An expanded school will benefit the community in many different ways and more children will benefit from a new school with excellent facilities.
- House prices in the locality are likely to increase due to the desirability of the school.
- The needs of the children should outweigh the objections that are based on an unlikely scenario of a potential fall in property prices.
- More spaces are required to accommodate the ever growing junior school age population of Harrow and it is essential that additional places are made available to help the Local Planning Authority fulfil their obligation.
- The proposal would cause the least disruption to the education of children which should remain top of everyone's considerations.
- Suggestions that children could be moved off site are impractical and unfair on them. The current proposal enables the children to continue their education with the least amount of disruption.
- There is currently no flood alleviation scheme on the site and the new proposal would provide an effective solution.
- The proposed new all weather playing surface will increase outdoor play time which will be a benefit compared to the existing playing field which is frequently waterlogged.

### **Petition 3**

1 Petition of support has been received by the Council on the 30<sup>th</sup> May 2013 with 1125 signatures. The comments stated on page 2 of the petition are as follows:

“Vaughan Parents for Progress – safeguarding the future of our children’s education....

Dear Councillors

We are a community group that supports the proposed building project at Vaughan Primary School, for a number of important reasons. We have collected **1125** signatures from supportive Harrow residents and employees.

The school intake has now permanently increased from 60 to 90 pupils a year. As it is, the current school building is not fit for purpose, and by September 2014 it will fail to accommodate this increase without temporary classrooms.

We feel that the proposed scheme offers the best possible outcome for children, as it will give them a wonderful learning space and will provide a more secure environment by placing the reception at the front of the school, maximising the safety of our children.

We fear any further delay in the planning or building of this scheme will result in unnecessary disruption to our children’s education.

Please consider who will suffer as a result of any further delay.

Residents?

Parents?

Teachers?

Staff?

Local businesses

In their own “small way”, maybe

But, the real victims will be the children...

We urge you to pass these plans when they come before the planning committee and to ensure there is no delay in the release of the funding, so that this vital building work can start as soon as possible.

Thank you for your attention”.

## **BACKGROUND**

### **The Harrow School Expansion Programme**

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

Notwithstanding the claim regarding Harrows population made in one of the representations received, Harrow’s primary school population (Reception to Year 6) was 17,859 in 2012 (January 2012 pupil census) and is projected to increase to 18,604 in January 2013 and to 21,472 in 2016-17. Overall this represents a 20.2% growth in primary pupil numbers. This growth is not consistent across all year groups, and the pressure is particularly acute for Reception places because the increased demand is primarily birth rate driven. The latest school roll projections prepared by the Greater London Authority for Harrow predicts that Reception numbers will continue to increase

until 2018/19, following which the high level of demand will continue with a slight and gradual reduction.

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

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

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

Camrose Primary School with Nursery from September 2013

Cedars Manor School from September 2013

Glebe Primary School from September 2013

Marlborough Primary School from September 2013

Pinner Park Infant and Nursery School from September 2013

Pinner Park Junior School from September 2014

Stanburn First School from September 2013

Stanburn Junior School from September 2014

Vaughan Primary School from September 2013

## **APPRAISAL**

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.

#### Emerging Development Management Policies Local Plan 2013 [DMP]

The DMP 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. The Council received the Inspector's final Report into the Development Plan documents on 28 May 2013 and the Inspector's report has found that the DMP is sound. In light of this and in line with NPPF paragraph 216, it is considered that the policies of the DMP can be afforded significant weight in the consideration of planning applications.

### **MAIN CONSIDERATIONS**

#### **Principle of the Development**

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

- 1 - Educational Need

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

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

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

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

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

- 2. - Development within Floodplains

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

The Harrow Strategic Flood Risk Assessment (SFRA) shows that the entire site lies within flood zone 3b which forms part of the functional flood plain, defined as having a high probability of flooding. The Harrow SFRA is based upon detailed, local modelling of flood risk. In addition, since the initial Level 1 Harrow SFRA was produced, A Surface Water Management Plan (SWMP) (2012) has also been produced which shows 'critical drainage areas' and uses flood modelling techniques which are more suited to urban areas with an emphasis on using local and historical evidence to assist in predicting flood outcomes.

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

In terms of the sequential test, it would not be possible to provide the extended/reconfigured school development in a different remote location with a lower probability of flooding as this would not easily meet the needs of the existing school. It should be noted that the proposal is not for a new school but for the re development of an existing which is intended to serve the local community in the south west sub area of the Borough and there are no other allocated or suitable sites within this area. The

Teachers Centre in Wealdstone has been identified to help accommodate the increase in secondary school provision. In addition, the master-plan for the Kodak site redevelopment will also accommodate growth in that locality for primary school places to address the impact of that development. However, these sites are not located in the south west sub area and there are no other allocated sites for new schools in the Development Plan. Furthermore, as the whole school site falls within the same flood zone classification, no part of the site is sequentially preferable to another part of the site. A number of local residents have suggested that the allotment site next to the school should be considered as an alternative location but it should be noted that part of this site closest to the existing school also falls within Flood Zone 3b and is accordingly, not sequentially preferable for flood risk purposes. As such, in this case, officers consider that the exception test applies, the details of which have been outlined in the Flood Risk Assessment submitted with the application. The following criteria must be satisfied to pass the Exception Test:

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

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

Taken as a whole, the site is also considered by officers to be ‘previously developed’ for the purposes of criterion (b) above. The representations received object to this interpretation which has been developed by the Borough with the agreement of the Environment Agency as part of the LDF process. Whilst it is recognised that the proposed new build would be constructed on an existing greenfield area of the site, the external areas of the site would be reconfigured so that there would be no net loss of overall open space on the site and there would be no increase in the building footprint within the flood zone. Additional flood storage is also being provided and the proposed surface water drainage strategy attenuates the surface water run-off from the entire site at a rate equivalent to the site’s greenfield run-off rate - which is an improvement over the existing situation. In this regard, it is considered that the capacity of the functional



flood plan would not be compromised and would not conflict with the aims of the NPPF and would be in accordance with core policy CS1 U of the Harrow Core Strategy (2012).

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

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

As such, both the Councils drainage engineers and the Environment Agency are satisfied that the development is considered to be acceptable in flood risk terms, subject to implementation of robust flood mitigation and resilience measures to be implemented on the site. A number of residents have expressed concerns over the need for monitoring equipment within the school in order to ensure pupils and staffs are adequately safeguarded should a flood event occur. However, it should be noted that currently there is no flooding strategy in place for the existing school. The Council's Drainage Engineers consider that the proposals would result in an improvement in the existing surface water drainage regime on the site with a consequent improvement to the management of flood risks. Given these conclusions, officers consider that the development is capable of satisfying criterion 3(c) of the exception test. The detailed requirements and technical information which supports this conclusion assertion and which has been provided within the submitted Flood Risk Assessment is considered in more detail in the subsequent appraisal under section 6 below.

- 3 - Open Space

With regard to open space, the NPPF (2012) advises that existing open space, sports and recreational land, including playing fields, should not be built on unless the development would provide for alternative sports and recreational provision, the needs for which clearly outweigh the loss. Core policy CS1 F of the Harrow Core Strategy outlines that Harrow's open spaces will be managed as an interconnected, multifunctional environmental resource that contributes to biodiversity, adaptation to climate change, and to people's health and well-being. The quantity and quality of existing open space shall not be eroded by inappropriate uses. It goes on to state that *"The reconfiguration of existing open space may be permitted where qualitative improvements and/or improved access can be secured without reducing the quantity of the open space."*

Policy DM 18 of the Emerging Harrow Development Management Policies Local Plan (2013) states that... *“the reconfiguration of land identified as open space on the Harrow Policies Map will be supported where there would be no net loss of open space.”* If open space is lost it should result in equivalent or better provision in terms of quality, or where the need for and the benefits of the development clearly outweigh the loss.

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

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

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

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

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

Whilst it is recognised that the types of open space on site would alter, and indeed the

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

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

In summary, the principle of re-development and expansion of the existing educational facilities, following the careful balancing of policy interests, is considered by officers to be acceptable. There is an identified need to provide additional primary school places due to a growing population and high level of demand experienced over recent years. The loss of the playing field as designated open space on the site would not unduly compromise the development and function of the school and would be re configured to provide improved hard and soft play space towards the south of the school site with no overall loss of external space. The harm to the amenities of some surrounding residents from the loss of open space is capable of being outweighed by the fulfilment of other development plan policy objectives. Despite its location, the responses from the Environment Agency and Council Drainage Team to the Flood Risk Assessment allow officers to conclude that the requirements of the Exception Test can be satisfied and that the development would not give rise to an increased flood risk on or off site in line with the requirements of the NPPF (2012). Officers consider that the re-development proposed is accordingly acceptable in principle and would comply with the national Planning Policy Framework (2012) core policy CS1 of the Harrow Core Strategy, policy 3.18, 5.3, 5.11 and 7.19 of The London Plan (2011) and saved policy C7 of the Harrow Unitary Development Plan.

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

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

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

Saved policy D4 of the Harrow UDP reinforces the principles set out under The London Plan (2011) policies 7.4B and 7.6B and seeks a high standard of design and layout in all development proposals. It goes on to state, amongst other things, that developments should contribute to the creation of a positive identity through the quality of building layout and design, should be designed to complement their surroundings, and should have a satisfactory relationship with adjoining buildings and spaces.

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

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

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

It is acknowledged that the surrounding residential properties adjacent to the north western boundary have relatively short rear gardens. In the majority of cases, the existing boundary at the moment, whilst occupied by some mature trees is relatively open in terms of vegetation giving clear views across the playing field. The western elevation of the proposed building, containing the teaching block, would be sited between 28.8 and 30.2 metres from the main rear walls of the residential properties in Dorchester Avenue. The western teaching block would be sited between 33 and 28.5

metres from their rear facades. With regard to the residential properties along Blenheim Road, the northern elevation of the proposed new two storey building would be sited between 31 and 34 metres from the main rear façades of these properties.

The building would have a height of 8.4 metres above the finished ground floor level, with the maximum height of the building being 8.92 metres above the existing ground level on the western side of the building. It should be noted that this height takes into account the requirement of the Flood Risk Assessment to ensure that the minimum finished ground floor level should be set above the 1 in 100 year plus 30% climate change modelled flood level. The proposed new two storey building would have a finished floor level of 52.210 m AOD which is 301mm above the calculated flood level of 51.909 m AOD. It is considered that the overall height of the new two storey school building would be acceptable in relation to the surrounding suburban context. Whilst the scale of the building is clearly different to the neighbouring properties along Dorchester Avenue and Blenheim Road, the overall height is considered appropriate for such uses (recognising the generally higher ceiling levels) within a suburban area. The separation distance between the properties would contribute to reducing the perception that the new building is overbearing. This view is also supported by the conclusions of the Daylight and Sunlight Assessment (see section 3 below) which was based on the maximum height of the building at 8.92 metres as measured from the ground level shown on the western elevation.

A number of properties in Dorchester Avenue have relatively short (some 13m to 15m) rear gardens. The proposals have understandably prompted strong views from those residents most affected by the siting of the building – many of whom will experience a significant change in outlook – exacerbated by the currently open character of the boundaries. A graphical representation of one residents view has been submitted as part of their representations against the application. Wider concerns expressed by neighbouring properties also reference the loss of view arising from the proposal.

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

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

### Design, layout and scale

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

As outlined above, the design of the proposed new junior block been conceived as a series of blocks and linking elements that accommodate different functional areas. As such, the main formal classroom blocks and the hall block appear as distinct elements from the less formal linking elements of the building which also provides the main circulation and less formal group spaces. The linking elements of the building have a flat roof design which is lower and subservient to the main formal blocks and it is considered that this would help to reduce the overall bulk and visual mass of the building when viewed from the surrounding neighbouring residential gardens. Furthermore, the main formal elements would be built in render and brick, whereas the linking elements would be timber clad.

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

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

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

## Landscaping

A landscape strategy accompanies the application and details a much more ordered use of external education, play and sports space, creating a positive and effective school environment for the enlarged school. Notwithstanding the removal of some trees (see below) the strategy proposes to increase in the number of trees on the site and introduce verbatim a green landscape buffer zone around the perimeter of the site which is considered to make a positive contribution to the character of the area. In particular, it is proposed to significantly enhance the landscaping along the western and northern boundaries of the site through 3 layers of dense planting. The provisional proposal includes a variety of evergreen and deciduous species in order to provide a year round screen and would include a mixture of hedging, shrubs and trees that in time would significantly soften the appearance of the development and filter views at both low and higher levels.

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

Overall, it is considered that the proposed development is a well-considered design that, having regard to the operational and site constraints, would make a positive contribution to the character of the area. The redeveloped site would result in an improved layout for the school, whilst providing an acceptable, if changed, relationship with neighbouring properties. The distinct elements and functional spaces would result in a building that is clearly recognisable for users and occupiers. Subject to conditions on final materials and landscaping details, the development should successfully integrate into the character of the surrounding suburban context. A high quality landscaped green buffer around the school site would nevertheless provide mitigation for those residents experiencing the most significant changes whilst providing an attractive setting for the building and supporting biodiversity. Accordingly, the proposal is considered to comply with policies 7.4B and 7.6B of The London Plan (2011) core policy CS1 B of the Harrow Core Strategy (2012) and saved policy D4 of the Harrow Unitary Development Plan (2004).

## **Residential Amenity**

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

Policy DM 1 of the Emerging Harrow Development Management Policies Local Plan (2013) states that “The assessment of the design and layout of proposals will have regard to: “the massing, bulk, scale and height of proposed buildings in relation to the location , the surroundings and any impact on neighbouring occupiers”.

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

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

The change in the relationship of the proposed school buildings would be most obvious for the group of two storey properties, No's 1- 19 Dorchester Avenue, as their rear elevations would face directly towards the western elevation of the 2 storey junior classroom block. As mentioned previously, the western elevation of the proposed new building would be sited away from the closest properties in Dorchester Avenue (between 28.8 and 30 metres) and the main teaching block on this side of the building would also be between 28.5 and 33 metres from these properties. The closest properties adjacent to the northern boundary of the site along Blenheim Road are sited a similar distance away, some 31 to 34 metres, but would have a different relationship with the building as the flank northern elevation of the building which would be closest spans a smaller distance and properties along Blenheim Road are also sited at an oblique angle which would help reduce the visual impact of the proposal.

Currently the properties surrounding the north western boundary of the site have a view across the playing field and it is acknowledged the new two storey building will undoubtedly change the views and outlook from these surrounding properties. The planning system is not able to safeguard or protect specific views from private houses. The impact of the development on the outlook of the group of residents in Dorchester Avenue, as a whole, is nevertheless a legitimate, material consideration as recognised in policy DM 1 of the Emerging Development Management Policies Local Plan 2013.

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

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



building, the flank wall of the southern teaching block does not contain any windows.

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

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

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

The applicant has provided a daylight and sunlight assessment to assess the impact of the development on the light receivable by a sample of neighbouring residential properties. The report is based on best practice guidance contained in the Building Research Establishment (BRE) Digest 209 'Site Layout Planning for Daylight and Sunlight' (2011). The assessment models the impact upon all the windows to the rear of the properties located on Dorchester Avenue, Blenheim Road and The Gardens were tested at Ground and First Floor Level as well as the rear garden areas. The assessment concludes that the proposed development would have an insignificant effect on light received by the neighbouring properties and gardens. For the above reasons, and whilst acknowledging the strong views expressed, and the material change in outlook for some of the surrounding properties from this development, it is considered that subject to conditions, the proposed development would not have a significantly detrimental impact of the residential amenities of the occupiers of the surrounding residential properties in respect of overlooking, overshadowing or having an overbearing impact to render the proposals unacceptable.

#### Increase in Intensity of Use

Paragraph 123 of the NPPF (2012) states that planning decisions should aim to: "avoid noise from giving rise to significant adverse impacts on health and quality of life arising from noise from new development". The proposal would result in a material increase in the number of pupils with a gradual increase proposed each year until 2018 and as such noise and disturbance is likely to be an issue as a result of the intensified use. A noise and ventilation strategy for the buildings has been submitted by Cole Jarman (Ref: 12/2392/M02) which provides guidance in relation to the acoustic performance of building to prevent unacceptable noise and disturbance levels. In addition to this, a further supplementary School Activity Noise Assessment has been provided which provides an assessment of the potential change in noise levels due to the new school

layout. This assessment has been based on BS8233 World Health Organisation Standards for community noise.

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

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

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

The National Planning Policy Framework places particular emphasis on meeting the need for school places. Within urban areas, the growth of school places will result in some additional impacts upon nearby residential properties. The NPPF nevertheless requires that particular weight be applied to the need to expand and alter schools. Accordingly, it is considered that whilst some increase in daytime noise may arise as a result of the development, the additional noise and disturbance is not considered to significantly undermine residential amenity and would not outweigh the strong emphasis given to expanding schools within national planning policy and the support within the Local Plan. Nevertheless, it should be noted that there are number of existing trees along the north western boundary which would be retained as part of the works as well as the planting of additional trees around the perimeter of the site which would provide

some degree of mitigation.

### Vehicle Access and Traffic

There are no proposed changes to site access for either vehicles or pedestrians. However, the proposed car parking layout would be altered as part of the proposal. The parking area would be located adjacent to the eastern (22 spaces) and northern boundary of the site (14 spaces). Currently there is a parking area on the eastern side of the site but not on the north side. The eastern parking boundary would be located a distance of between 13 to 33 metres from the rear elevations of the properties along The Gardens while the northern parking boundary would be sited approximately 10 metres away from the nearest neighbouring property on Blenheim Gardens. As such, although the parking areas would be sited closer to some neighbouring residential properties than is currently the case given the modest uplift in the number of car parking spaces and the use of the site as a school predominantly between the hours of 9am to 5pm, it is considered that vehicles movements would not result in unacceptable levels of noise and disturbance. The application is therefore acceptable in this regard.

### Community Use of Facilities

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

### Construction Phasing

A construction management plan has been provided with the application. It is envisaged the construction of the school would take place over a maximum period of two years but it is considered likely that the build would actually be completed in a 64 week period. The construction would take place in 3 main phases of development. This would involve the construction of the proposed two storey junior block first in order to provide the necessary teaching space and to enable the decant of pupils from existing buildings. This would be followed by the refurbishment and minor modifications to the exiting infant block and finally the demolition and re-provision of open space on the southern part of the site. Noise and disturbance to residents surrounding the site will be likely to increase during the construction process; however the impacts would be temporary and can be mitigated in part by proper planning and site management. The effect of construction noise for buildings of this type will very rarely justify refusal of planning permission – governments clear expectation is however that it is minimised and managed responsibly through programmes such as the considerate construction protocol – backed up by planning conditions. The application details proposals in respect of reducing noise levels, ensuring the safety of pupils and staff and reducing

traffic congestion in the area. In addition, hoardings would be provided around the perimeter of the site during the build to help mitigate the visual impact and disturbance during construction. The detailed construction management strategy, to include a detailed timetable for implementation, could be conditioned to ensure its implementation. Subject to these further details be provided, it is considered that the construction of the proposed development could be managed in a way that reduced the impact of the proposed development on the neighbouring occupiers during the construction phase to acceptable levels.

Overall, it is considered that the proposal would be acceptable in terms of policy 7.6 (B) of The London Plan (2011) and saved policy EP25 of the Harrow Unitary Development Plan (2004).

### **Traffic and Parking**

The London Plan (2011) policies 6.3, 6.9, 6.10 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. Core Strategy Policy CS 1 R and draft policy 53 of the Development Management DPD, also seeks to provide a managed response to car use and traffic growth associated with new development. Policy T6 of the Harrow Unitary Development Plan (2004) requires new development to address the related travel demand arising from the scheme and policy T13 requires new development to comply with the Council's maximum car parking standards.

Residents have queried why a Transport Assessment (TA) was not provided with the application. Transport Assessments help to inform the Local Authority of the likely implications of a development. Officers are satisfied that the application does not require such an assessment. Policy 6.3 of The London Plan (2011) makes clear that development proposals should not adversely affect safety on the transport network. It states that "*Transport assessments will be required in accordance with TfL's Transport Assessment Best Practice Guidance*". Policy DM 43 of the Emerging Development Management Policies Local Plan (2013) states that: "*proposals for major development will be required to submit a Transport Assessment to quantify the impacts of the proposal upon public transport, the highway network, the cycle network and upon conditions for pedestrians. Proposals for major development will be required to satisfactorily mitigate the impacts identified in the Transport Assessment. Mitigation measures will be required to contribute to the desirability of achieving modal shift away from private car use and should include the preparation and implementation of Travel Plans*".

The DfT guidance provides *recommendations* when a Transport Assessment may be required. It acknowledges that such matters are for the highway Authority to determine, on the basis of specific proposals. The development thresholds in the guidance, suggest that an increase of 1000m<sup>2</sup> in gross floor area (GFA) would warrant consideration of the need for a formal TA and an application or 500m<sup>2</sup> for a simpler Transport Statement. In addition, further detailed guidance is contained with the Transport for London (TfL's) Transport Assessment Best Practice Guidance (2006). Paragraph 1.3 of the guidance highlights that transport assessments are relevant for strategically important applications which are referred to the Mayor of London under the Town and Country Planning (Mayor of London) Order 2000. In this case, the net additional floorspace amounts to 337 m<sup>2</sup> of overall floor space. The Highway officers have determined that they are satisfied that a TA or TS is not required in this instance in order for them to assess the impacts of the development. This matter is within their discretion. Whilst recognizing the

provisions within the DfT and TfL Best Practice Guidance, London Plan and draft DM polices DPD, officers continue to be satisfied that a Transport Assessment or Transport Statement is not required. The Highways Authority have considered the application and are of the view that a transport assessment is unlikely to add to what has already been acknowledged in terms of some adverse traffic impact and possible mitigation measures. On this basis it is felt that a full transport assessment will be of little benefit in deciding on this planning application.

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

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

The existing school operates a voluntary school travel plan. This is considered to have been broadly effective by the Highway Authority since the vast majority of staff and pupils walk to the site (80%) and there has been no significant increase in reported car use during the period 2010/2011 to 2011/2012 with only relatively small number of people using this method of transport (11%). Instead, the number of people walking is considered to be a significant. The school has made a commitment to further developing this plan as outlined within the submitted Design and Access Statement. These activities are expected to include clear expectations amongst parents to safe and sustainable travel, engaging pupils in discussions and training activities as well as leaflets about safe travel to the school. A cycle/scooter store will also be provided close to the main arrival point to promote cycling and scooting as an alternative means of sustainable transport behind walking. Earlier reported concerns have limited the promotion of cycling to the school. The facility to store cycles, in association with measures to increase cyclist safety locally, and more widely, nevertheless justify the inclusion of future strategies to promote such modes.

However, it is also recognised that the aim of increasing sustainable travel requires a culture change to influence attitudes and change behavior. Any travel plan should be kept up to date and needs to be reviewed annually. Equally, over time, measures to manage demand should be explored. Accordingly, a condition is recommended to ensure that a further more refined travel plan is submitted for approval, prior to the initial expansion of pupils to the school. The revised travel plan should take into account the phases of the construction program and the increase numbers of pupils and staff as the school expands incrementally. There are a range of various initiatives that can be

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

Notwithstanding the promotion of alternative means of travel to the school, the application does provide more a modest level of additional car parking to cater for increased staff numbers with a total of 35 formal car parking spaces being proposed. There are currently 27 formal parking spaces on the site. Following a site inspection and the concerns raised by residents regarding the number of existing parking spaces, it is noted that cars currently park along the entrance way and adjacent to the eastern boundary of the site in non-mark verbatim bays. The applicant's architects have indicated that because these parking spaces are taken into account also, the site currently accommodates 34 spaces not of the "standard" size for a parking space and they have therefore not been indicated on the existing plans submitted with the application. The highways authority considers that despite this anomaly, having regard to the highly constrained nature of the site, the additional uplift of internal parking provision to 35 formal spaces is acceptable for the school. Parking near to the school is already controlled by the existing controlled parking zone (CPZ) which operates Mon to Fri 10 am –11 am and it is unlikely that the expansion would generate any long term parking issues on-street. A neighbouring resident has expressed a concern that the CPZ only operates on one side of the street. However, it is noted that the parking zone extends to both sides of The Gardens and restricts parking to permit holders only. In addition to this, there is a no stopping restriction zone on the area around the entrance to the school between the hours of 8:30am to 4:30pm to help ensure there is a free flow of traffic around the school during peak times. As previously stated, it is acknowledged that the parking and traffic will increase during peak times as a result of the expansion but nevertheless the existing CPZ will contribute to a reduction in parking problems. The Highways Authority have highlighted that there may be scope to review the parking zone, however, this would be subject to separate statutory consultation with residents.

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

The 20 space cycle parking provision conforms to London Plan 2011 standards and will assist in the shift towards sustainable modes of travel for both pupils and staff. A number of residents have highlighted that the school does not encourage cycling as the roads surrounding the school are too dangerous. In terms of traffic calming, the school and surrounding roads are already within a 20mph zone with associated traffic calming measures in place. However, the highways authority has acknowledged that these

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

As previously discussed, a construction management strategy will be required by condition to ensure that the construction process does not adversely affect highway safety of the free flow of traffic.

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

## 5)Open Space

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

Table 1: Existing and proposed open space

Type of Open Space	Existing (m <sup>2</sup> )	Proposed (m <sup>2</sup> )	Net
Area of Designated Open space	6810m <sup>2</sup>	4520(residual)	-2290
Playing Field (located within formal designated open space, excluding sensory garden)	2319m <sup>2</sup>		-2319
Formal Hard Play Space including MUGA	3859m <sup>2</sup>	4734m <sup>2</sup>	+875

Formal Soft Play Space including sensory garden	2020m <sup>2</sup>	2691m <sup>2</sup>	+671
<b>Residual External Space</b> (including external circulation spaces, informal soft/hard spaces and car park)	3924m <sup>2</sup>	4820m <sup>2</sup>	+896
<b>Building Footprint</b>	2413	2290	-123
<b>Total Site Area</b>	14535	14535	0

The application seeks to balance the loss of 2319 sqm of the grassed playing field area with an increase in formal hard and soft play space of 875sq.m and 671sqm respectively. The balance of space is made up from the increased residual external space around the buildings, combined with a slightly smaller footprint. The reconfigured open space would serve a number of functions for the school, including play space, circulation space, parking space as well as recreational and learning space but does not generally provide access for the public. Despite the reduction in the grassed open field area at the Northern end of the site, the applicants consider that the proposed provision of a multi-use games area and larger sports courts on the southern side of the site, amount to a net benefit in formal play space provision to serve the year round needs of the pupils. The soft play area to the south of the site will be drained and attenuated. Officers consider this proposition to be reasonable given the intensity of use of the site in future and the evidence of poor drainage of the existing field which has limited its use during wetter periods. An improved sports hall would be provided within the ground floor of the junior block which has been designed to Sport England Standards and will allow for the provision of indoor sports and activities and full school assemblies. This sports hall would provide an internal space of 280m<sup>2</sup>.

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

Officers consider that the proposal for development on open space, would therefore not fatally conflict with the objectives of policy EP47 of the UDP, policy CS1 F of the Harrow



Core Strategy (2012) and the broad objectives of the NPPF, aimed at safeguarding open space from development. However, the application argues that the alternations to external play provision will result in a net benefit for the users of the site. Officers accept this argument, but equally acknowledge that the impact of the proposals for residents who enjoy the open aspect of the playing field towards the western end of the site will be less positive. Officers consider, overall that the policy benefits of the development in helping to meet the future educational needs of the borough, justifies overriding the protection afforded to the open space by the development plan. Subject to the delivery of boundary enhancements, the overall impact of the development on open space is accordingly considered to be acceptable and in this instance the loss of designated open space on the site is an acceptable departure from the development plan.

### **Development and Flood Risk**

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

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

To mitigate for flood risks the new building will be sited above the worst case flood scenario. The finished floor level of the building will be 52.210 mAOD in comparison to the calculated worst case flood scenario of 51.909 mAOD. The ground floor level of the building is 301mm above the worst case flood level, taking account of climate change which is acceptable to minimise flood risk and would meet the requirements of the Harrow Council Drainage Team. Areas of flood compensation are also being provided on site in advance of construction at a level equal to that lost by the new building. The flood compensatory storage will be provided on a like for like basis, equivalent to the footprint of the proposed new building. The attenuation tanks will provide for 618m<sup>3</sup> of flood storage capacity. In the event of a flood the water displaced by the construction of the new school building will be routed to the area provided as flood compensation. The surface water will be collected using grated manhole covers and via other drains within the site. It will be routed, through a 450 mm diameter pipe, to the attenuation crates below the MUGA.

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

Furthermore, the redevelopment of the site also provides the opportunity to improve the surface water drainage regime at the site to try to replicate (as far as practicable) the

natural drainage regime for the site. At the moment the existing buildings have uncontrolled surface water discharge. However, the proposed surface water strategy attenuates the surface water run-off from the entire site, including the school building that is to remain, and discharges it to the watercourse at rate of 5 l/s/ha which is equivalent to the site's greenfield run-off rate. The culvert diversion works will also provide small additional storage volume due to the increased length of the 1050 mm dia pipe to account for the diversion. Other sustainable urban drainage techniques would also be incorporated into the proposed development including the provision of a rainwater harvesting tank which has the capacity to hold 27, 000 litres of water for latter re-use. The combination of the above processes means that officers are satisfied that the proposed re-development of the site would give rise to no additional impact in flood risk terms.

Nevertheless, in order to ensure safe access and egress for pupils/staff during a flood event, it is proposed to install a water level sensor within the re-aligned culvert which will be linked to a sensor and programmable alarm within the school offices. This will be monitored during intense rainfall events by the school and if required the school can be rapidly evacuated.

In removing their objection to the application, the Environment Agency have requested conditions to ensure that the surface water drainage measures outlined in the FRA are implemented, including provision of a scheme to be provided in the event of the failure of the pumps under a worst case scenario.

Residents have expressed concerns regarding the consultation on the Flood Risk Assessment. In particular, they have raised a concern that the table at the start of the document identifying the revisions to the FRA over time is incomplete because it does not list the full schedule of changes made between versions 1 and versions 5 of the document. The re-started consultation on the FRA took place against Revision 4 of the Flood Risk Assessment. This incorporated all revisions up to revision 4. The document has been available to view online since 13<sup>th</sup> February. In response to the Environment Agency's request for further information on SUDS, the FRA was further amended on 15<sup>th</sup> March 2013 and this document was placed online, to supersede Revision 4. The revision inserted a new paragraph (4.7) which responded to the EA query on SUDS. Officers consider that this paragraph amounts to a request for clarification and does not alter the conclusions of the FRA itself. Officers consider that the changes were minor and did not warrant re-consultation.

Residents have also expressed concerns that there will be no flood warning or flood evacuation procedure for their properties in the event of a flood. As outlined, in the committee report, on the basis of the FRA, Officer's are of the opinion that there will be not be an increase in flood risk to surrounding properties. Given that the purpose of the monitoring is to ensure safe egress for a large number of pupils and teachers during a busy school day, when the school is closed, activity on the site will be significantly diminished and the need for high volume evacuation plans will be less acute. Local residents, living close to the new culvert have also expressed concerns that the systems monitoring and warning of rising levels in the culvert are not extended to their homes. Whilst noting the anxiety that such a system introduces, residential properties surrounding the site should be unaffected by the school exit route and will continue to enjoy relatively easy evacuation from significantly less intensively used buildings.

The Council's Drainage Engineers consider that there is no justification to install or

introduce a wider mechanism of notification of warning to surrounding homes. With regard to concerns in relation to the failure of the pump system, condition 16, requires that a scheme is put in place for the management and failure of the pump system and automatic activation (without human interference) of a secondary pump. As such, on balance with the other policy objectives of the plan, it is considered that the issues concerning flood risk can be sufficiently mitigated and do not warrant refusal of the application.

Subject to the above the development is considered to satisfy London Plan (2011) policies 5.12, 5.13 and 5.14, policy CS1 U of the Harrow Core Strategy and policy EP12 of the Harrow Unitary Development Plan and fulfil the objectives of the NPPF concerning managed impacts upon flood risk.

### **Accessibility**

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

An accessible parking space will be provided in the vicinity of the school entrance and will be provided with a clearly defined transfer zone. All pedestrian footpaths will be a minimum of 1800mm wide and pavement surfaces will be of non slip material. Gradients will not exceed 1:20. The approach to both the new and existing building would be level and ramps and steps will be provided where required. The main entrance doors are main public access doors and would be automated. The reception area adjacent to the main entrance would provide a lower surface for wheelchair users and a lift will be provided from the hall lobby space to give access to the first floor. All corridors will have a minimum width of 1200mm and all doors will have a minimum clearance of 900mm. Disabled and accessible WCs will also be provided on the ground and first floors of the building. It is considered that the layout of the building would enable adequate circulation for persons with disabilities users and would be acceptable in relation to London Plan (2011) policies 3.1 and 7.2 and saved policy C16 of the Harrow UDP.

### **Equalities Impact**

The proposals for re-development of the school site are considered to have no material adverse impact upon the equalities duty of the Local Authority. The design and layout of the building is considered to have a positive impact upon particular protected categories. The impacts of the development on surrounding properties, and the street, are not considered to give rise to differential or specific impacts upon the protected characteristics safeguarded by the act.

### **Sustainability**

London Plan policy 5.2 'Minimising Carbon Dioxide Emissions' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach, which is expanded in London Plan policies 5.3 to 5.11. Policy 5.2 of the London Plan (2011) seeks to ensure that development proposals make the fullest contribution to minimising carbon dioxide emissions and subsequently states that 'major development proposals should include a detailed energy assessment to demonstrate how targets for CO2 emissions are to be met. Harrow Council's Supplementary Planning Document on sustainable Building Design (adopted May 2009) seeks to address climate change through minimising emissions of carbon dioxide.

While a full energy statement has not been submitted at this stage a BREAAAM pre assessment has been submitted as part of the planning application which indicates the development can achieve BREAAAM standard 'very good'. The layout and orientation of the building has been designed to provide natural ventilation and daylight requirements as part of the passive approach to a sustainable construction. The fabric of the building is intended to achieve low u values through the use of a highly insulated concrete formwork (ICF system). Both photovoltaics and solar hot water panels will be installed on the roof as well as a rainwater harvesting system. It is anticipated that the development would be able to achieve a 20% reduction in Carbon dioxide levels over and above minimum standards. The initial BREAAAM pre-assessment indicates the development will score well in areas of energy efficiency, sustainable transport and landscape and biodiversity enhancements. Subsequently the proposal is considered to comply with policy 5.3, core policy CS1T, policy D4 of the Harrow Unitary Development Plan (2004) and the Councils adopted SPD Sustainable Building Design.

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

### **Trees and Development and Biodiversity**

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

Subject to a condition to ensure that the proposed development is carried out in accordance with the recommendations of the Arboricultural Report (with the exception of T27), including arboricultural supervision throughout the project, the proposed method statement and the 'Tree Protection Plan', it is considered that the proposed development is acceptable in relation to policy 7.21 of The London Plan (2011) and saved policy D10 of the Harrow Unitary Development Plan (2004).

Saved policy EP26 of the Harrow Unitary Development plan encourages conservation of wildlife *'through the protection of existing, and creation of wildlife habitats'*. *'Developers will be encouraged to create and enhance landscape and nature conservation features in an ecologically sensitive manner'*. A biodiversity report has been submitted as part of the planning application which found the trees were suitable habitat for nesting bird but there was no other habitat suitable for protected species. Given the age and condition of the building, there is a negligible to low likelihood that the buildings on the site are harbouring bats.

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

To ensure that no offences occur under the wildlife and Countryside Act 1981, a condition would also be required to ensure that any vegetation clearance work is undertaken outside of the bird nesting season between March and August or if this is not possible for a suitably qualified ecologist to determine if nesting birds are present before any vegetation clearance takes place. In addition, the Council's ecologist has recommended that any consent be accompanied by a condition requiring bird boxes or bird bricks to be installed in suitable locations on the new school buildings which would cater for Regional (London) or UK Biodiversity Action Plan (BAP) species. Subject to the above conditions, it is considered that proposal would comply with saved policies EP26 and EP27 of the Harrow Unitary Development Plan (2004).

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

Policy D4 of the Harrow Unitary Development Plan (2004) advises that crime prevention should be integral to the initial design process of a scheme. Policy 7.3 of The London Plan (2011) and core policy CS1 E of the Harrow Core Strategy 2012 seek to ensure that developments should address security issues and provide safe and secure environments. The proposed site is enclosed by residential properties on the east, north and western boundaries as well as some allotments to the south. As such, the school receives very good levels of natural surveillance. The main front entrance from The Gardens and the rear pedestrian entrance are secured by a locked gate. Indeed one of the main objectives of the redevelopment was to provide better security arrangements. It is considered that the revised layout with the provision of a well located reception and administration block would improve the site security. The proposed layout of the site has been discussed and reviewed with the Council's Crime Prevention Design Adviser who has recommended that a security condition is attached to the permission to ensure that the specific security needs of the development are met which is considered to be appropriate.

### **Consultation Responses**

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

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

Drainage Authority and the Environment Agency have not raised any concerns with the scheme. In relation to the concern in respect of the failure of the pumps, a condition has been attached to outline a scheme to be submitted for approval by the Local Drainage Authority and the Environment Agency, to address this issue, should this unlikely event occur.

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

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

Local Planning Authority has been considered on its own merits and officers consider that there are no sufficient grounds that would warrant refusal of the application in this case.

- The noise report submitted has taken into account the whole site by addressing noise from the main playgrounds and sport pitches. Particular reference has been made to the properties along the western and northern boundaries of the site as they are considered to be the most sensitive due to their locations in relation to the school site. The noise report has been based on World Health Organisation Standards, and Officers consider that this is acceptable and appropriate to ensure the amenities of the surrounding residents are safeguarded. The noise report outlines that the most sensitive locations would not experience undue harm in terms of noise and would therefore expect that similar conclusions would be found for other residential dwellings. Given the standards used in the assessment, officers have no reason to doubt the conclusions of the report and agree that all surrounding residential properties will not experience unacceptable harm in terms of noise impact.
- With regard to biodiversity, it is considered that this will be enhanced through the re-development of the site through the addition of further landscaping and bird and bat boxes to be installed on the site. This will be ensured through conditions 6 and 20 as outlined on the committee report. The Council's Biodiversity Officer has considered the phase 1 habitat survey and has concluded that it has been carried out by a suitably qualified ecologist and the details are acceptable. A further phase II habitat survey is recommended through condition 21 to ensure that a potential population of Great Crested Newts (European Protected Species) will not be adversely affected by the proposal.
- With regard to other options, the Local Planning Authority have considered the application on its own merits. In the event that the current proposal is found to be unacceptable, the applicants may choose to re-visit the alternative proposals having regard to specific issues raised against such options at the pre-submission stage.
- BREEAM is the world's leading design and assessment method for sustainable buildings and aims to improve all types of new buildings. A condition is attached to ensure that the building will achieve a BREEAM rating of 'very good' which will ensure the building is highly sustainable.

Finally, considerable volumes of representation have been received from a small number of residents concerned with the adequacy of the Councils consultation process, and compliance with the adopted Statement of Community Involvement for Planning applications. The first of these concerns centres on the availability of plans to view online during the Councils 28 day "formal" notification period, and the ability of interested parties to make representations direct to the Council via the online portal. Officers are aware of a short period towards the end of the 28 days notified period when the plans were not available to view online. In response to the notification of this issue by residents, officers undertook to extend the period for submission of responses beyond the 28 day notification period, up until the date of the Committee meeting in April. This would equate to a period of 62 days from the notification of the planning application being sent to local households. The June Planning Committee is some 125 days after the period of consultation began. Copies of the planning application have been available for inspection at the Library and the original consultation letter made explicit reference to this facility.

In respect of the difficulties that the community have had in making their views known and viewing their comments submitted online, officers have been notified by three



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

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

## **CONCLUSION**

The National Planning Policy Framework and “Local Plan” for the area provide broad support to the improvement of schools. Following the April Committee meeting, the applicants have provided further commentary (attached) which sets out their reasons for choosing the current proposal (unchanged since that time) as their preferred option. This proposal for comprehensive, phased redevelopment gives rise to a number of challenges, associated with the constrained site, the flood risk and open space considerations particularly, and the proximity of surrounding homes. The report also acknowledges that the growing school roll is likely to have short term, localised impacts upon highway conditions at the start and end of the school day.

Against the background of growing demand, and the limited number of available sites to meet such demand, the proposals are, for the above reasons, considered to strike an acceptable balance between competing policy objectives and are acceptable. The concerns and adverse impacts identified during the pre-application and post submission stages by third parties can, officers consider, be satisfactorily mitigated by the use of planning conditions. The design and impact of the new school buildings on the character and appearance of the locality, and upon the amenities of surrounding homes is considered acceptable. The technical evidence submitted in support of the application, also leads officers from the Drainage Team and Environment Agency to conclude that the proposal would not give rise to increased risk of flooding. The construction of the buildings and landscaping of the site recognise the Council’s obligations for equality, biodiversity and meeting the challenges of climate change, including the need for sustainable drainage.

A significant volume of objection has been received, from residents near to the site. Some residents will be more directly affected by the proposals than others, notably those whose properties face towards the new 2 storey block. The proposals are nevertheless considered to satisfy the policy objectives of the National Planning Policy Framework (2012), The London Plan (2011), the Harrow Core Strategy (2012), the saved policies of the Harrow Unitary Development Plan (2012), and satisfactorily respond to those other material considerations such that permission can, officers consider, be recommended.

## **CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town and Country

Planning Act 1990.

2 Save where varied by the other planning conditions comprising this planning permission, the development hereby permitted shall be carried out in accordance with the approved plans:

Existing Plans:

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

Proposed Plans:

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

Supporting Documents:

Flood Risk Assessment Ref: JRC/582035/VAUG/JRC Rev 5, dated 15<sup>th</sup> March 2013;  
Design and Access Statement Rev D; Vaughan School – Schedule of Materials;  
Daylight and Sunlight Report Rev A by Daniel Armstrong Associates, (Revised 29  
January 2012); Vaughan Primary School – Management of Construction on a Live Site;  
Breeam Pre-Assessment Tracker and Action List Ref: CTN/7132100/CTN Rev 02, dated  
17 September 2012; Vaughan Primary School Site Study, by LOM Architecture and  
Design (September 2012); Ecological Assessment by MLM Environmental - Ref :  
DMB/723865/R14/GH Rev 0, dated 24 August 2012; Arboricultural Impact Assessment  
at Vaughan Primary School, Harrow by A.T. Coombes Associates, dated 23 August  
2012; Vaughan Nursery Primary School Travel Plan; Vaughan School Lettings Policy  
titled: Hiring of School

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 Prior to the occupation of the development, a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and

approved in writing by, the local planning authority.

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

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

11 No site works or development shall commence until final details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, taking account of the requirements of the agreed Flood Risk Assessment (MLM, revision 5, 15 March 2013) have been submitted to, and approved by, the local planning authority. The development shall be carried out in complete accordance with the approved details.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

12 Details of the 20 cycle parking spaces on the site and their phased delivery alongside the development shall be submitted to and approved in writing by The Local Planning Authority. The cycle parking shall be implemented on site for the sole use of the school in accordance with the phasing details and shall be retained for the duration of this educational use on the site.

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

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

REASON: To ensure that adequate drainage facilities are provided and the necessary construction and design criteria for the development proposals follow approved conditions according to Sewers for Adoption.

14 The construction of any buildings hereby permitted shall not be commenced until works for the disposal of surface water and surface water storage and attenuation works, based on the agreed Flood Risk Assessment (MLM, revision 5, 15 March 2013), have been submitted to, and approved in writing by, the local planning authority. These works shall include provision for proper management of surface water drainage and flood risk throughout the construction phase of the development. 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), policies 5.3, 5.12 and 5.13 of the London Plan (2011) 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.

15 Prior to commencement of the development hereby permitted, a scheme for the

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

The flood level shall be determined under the following conditions:

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

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

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

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

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

17 The development hereby permitted, shall be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment at Vaughan School, Harrow by A.T Coombes Associates (with the exception of tree T27 on the northern boundary). There will include that arboricultural supervision is undertaken throughout the project and the development is carried out in accordance with the method statement and 'Tree Protection Plan'. The tree protective measures shall be erected before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. T27 on the northern boundary shall be replaced with a heavy standard tree elsewhere within the site.

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

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

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

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

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

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

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

21 Prior to the final occupation of the development a Sustainability Strategy, detailing the method of achievement of BREEAM 'Very Good' (or successor) for the new school, which includes details of siting, design and noise levels of any equipment, the reduction of baseline CO<sub>2</sub> emissions by 20%, and mechanisms for independent post-construction assessment, shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the final phase of the development a post construction assessment shall be undertaken demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

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

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

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

23 The buildings hereby permitted shall not be open to the public (including school pupils) outside the hours of 630am – 11pm Monday to Friday and 8am – 6pm at weekends unless otherwise approved in writing by the Local Planning Authority.

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

24 The Multi Use Games Area (MUGA) hereby permitted shall not be floodlit and shall not be open to the public (including school pupils) outside the hours of 8am – 7:00pm Monday to Friday or 9:00am to 5:00pm on Saturday and Sunday and Bank Holidays, unless otherwise approved in writing by the Local Planning Authority.

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

25 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 and communal entrance doorsets shall be made secure to standards, independently certified, set out in PAS 24:2007 or WCL 1 'Security standard for domestic doorsets';
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 7950:1997 or WCL 4 'Security standard for domestic windowsets'.

Following implementation the works shall thereafter be retained.

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

## **INFORMATIVES**

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

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

The proposed school will provide important social infrastructure, to enhance educational facilities and help meet the growing population and forecast demand for primary school places in accordance with Harrow Core Strategy Policy CS1 and the NPPF. Whilst involving development on designated open space the development of the existing playing field is considered an acceptable departure from the development plan because the proposal is considered to make suitable re-provision of new external space within the site that would meet the needs of the school and provide for a range of activities including use for team sports. Whilst involving development in Flood Zone 3b, the proposals are accompanied by a flood risk assessment which demonstrates that subject to appropriate mitigation, the proposals will not increase flood risks on or off the site. The proposal to provide new educational facilities of community benefit are considered to meet the requirements of the Exception Test in accordance with the NPPF (2012).

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

Subject to conditions, it is considered that the proposed new building and increased capacity of the school would not have a significantly harmful impact on the amenities of any neighbouring occupiers. Whilst likely to give rise to localised, short term congestion in the vicinity of the site, the impact on traffic safety and the amenities of those living in the locality arising from the additional congestion is considered to be justified by the improved capacity and quality of educational facilities within the locality to which the NPPF (2012) provides significant weight. Outside of the peak times, the proposal is considered not to result in unacceptable pressure on local roads and will not be to the detriment of highway safety. The proposed school is accessible to all and will provide a safe and secure environment for users.

Notwithstanding the significant body of representations received against the proposals

the development is considered, on balance, to amount to a sustainable development as defined by the NPPF (2012) for which the presumption is in favour of approval.

The following policies are relevant to this decision:

**National Planning Policy:**

National Planning Policy Framework (2012)

**The London Plan (2011):**

- 3.16 – Protection and Enhancement of Social Infrastructure
- 3.18 – Education Facilities
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.7 – Renewable Energy
- 5.10 – Urban Greening
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 5.13 – Sustainable Drainage
- 6.3 – Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.10 – Walking
- 6.13 – Parking
- 7.1 – Building London’s neighbourhoods and communities
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.5 - Public Realm
- 7.6 – Architecture
- 7.13 – Safety, security and resilience to emergency
- 7.15 – Reducing noise and enhancing soundscapes
- 7.18 – Protecting Local Open space and Addressing Local Deficiency
- 7.19 – Biodiversity and Access to Nature
- 7.21 – Trees and Woodlands

**Harrow Core Strategy (2012)**

- CS1: Overarching Principles
- CS 5: Rayners Lane and North Harrow

**Harrow Unitary Development Plan (2004)**

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



EP12 – Control of Surface Water Run-off  
EP47 – Open Space

**Harrow Development Management Policies Local Plan (2013):**

Policy DM 1 – Achieving a High Standard of Development  
Policy DM 2 – Achieving Lifetime Neighbourhoods  
Policy DM 9 – Managing Flood Risk  
Policy DM 10 – On Site Water Management and Surface Water Attenuation  
Policy DM 11 – Protection and Enhancement of River Corridors and Watercourses  
Policy DM 12 – Sustainable Design and Layout  
Policy DM 14 – Renewable Energy Technology  
Policy DM 18 – Protection of Open Space  
Policy DM 19 – Provision of New Open Space  
Policy DM 20 – Protection of Biodiversity and Access to Nature  
Policy DM 21 – Enhancement of Biodiversity and Access to Nature  
Policy DM 22 – Trees and Landscaping  
Policy DM 23 – Streetside Greenness and Forecourt Greenery  
Policy DM 27 – Amenity Space  
Policy DM 42 – Parking Standards  
Policy DM 43 – Transport Assessments and Travel Plans  
Policy DM 45 – Waste Management  
Policy DM 46 – New Community Sport and Educational Facilities

**Other Relevant Guidance:**

Harrow Strategic Flood Risk Assessment (Level 1) - (2009)  
Harrow Strategic Flood Risk Assessment (Level 2) – (2011 & 2012)  
Harrow Surface Water Management Plan (2012)  
London Borough of Harrow Open Space Study PPG17  
The Harrow Annual Monitoring Report 2001 – 2011  
The emerging Site Allocations DPD 2011  
Supplementary Planning Document Sustainable Building Design (2009)  
Supplementary Planning Document: Access for All (2006)  
Code of Practice: Refuse Storage and Collection of Domestic Refuse (2008)

**2 CONSIDERATE CONTRACTOR CODE OF PRACTICE**

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

**3 PARTY WALL ACT:**

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

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

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

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

Also available for download from the CLG website:

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

#### 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

#### 5 INFORM\_PF1

#### 6 DUTY TO BE POSITIVE AND PROACTIVE

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

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

7 In aiming to satisfy the Community Safety condition(s) the applicant should seek the advice of the Borough Crime Prevention Design Advisors (CPDA). They can be contacted through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of this / these condition(s).

Plan Nos:

Exiting Plans:

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

Proposed Plans:

1413-20-ST-01 Rev B; 1413-20-GD-01 Rev A; 1413-20-GD-02 Rev A; 1413-20-01-01;  
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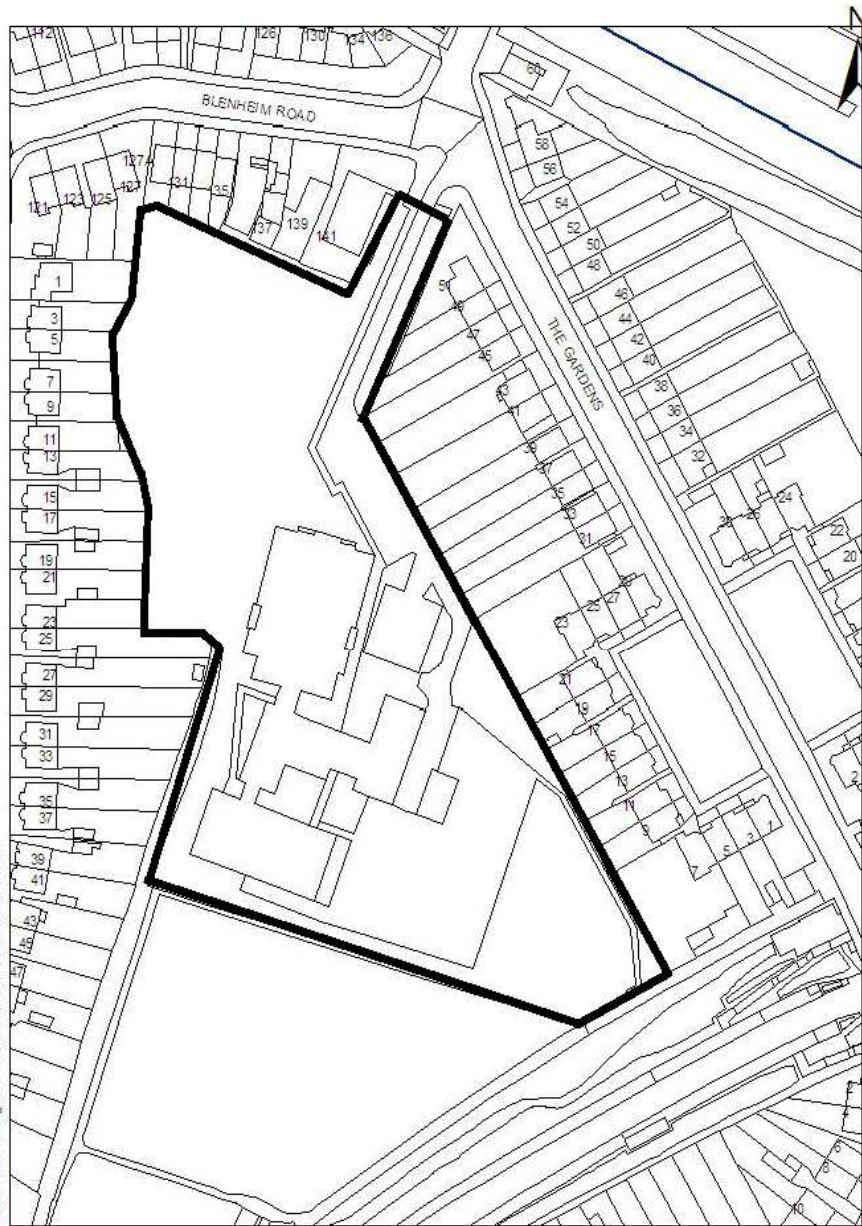
Supporting Documents:

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# VAUGHAN PRIMARY SCHOOL, VAUGHAN ROAD, WEST HARROW

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Item No. 1/03

Address: 47 TO 96 ELIZABETH GARDENS, STANMORE

Reference: P/0806/13

Description: EXPANSION OF EXISTING SHELTERED HOUSING DEVELOPMENT INVOLVING CONSTRUCTION OF A NEW ATTACHED THREE STOREY BUILDING TO THE SOUTHERN ELEVATION AND A NEW LINKED SINGLE AND THREE STOREY BUILDING TO THE SOUTH WEST OF THE EXISTING BUILDING TO PROVIDE ADDITIONAL 28 X 1 BED EXTRA CARE FLATS AND NEW COMMUNAL FACILITIES FOR THE RESIDENTS; PART CHANGE OF USE OF EXISTING RESIDENTIAL ACCOMMODATION ON GROUND, FIRST AND SECOND FLOORS TO ANCILLARY OFFICE AND STORAGE SPACE AND LAUNDRY ROOMS; ASSOCIATED ALTERATIONS TO CAR PARKING LAYOUT; LANDSCAPING AND BOUNDARY TREATMENT; PART DEMOLITION OF EXISTING SINGLE STOREY BUILDING AND ALTERATION TO EXISTING BUILDING

Ward: CANONS

Applicant: HARROW CHURCHES HOUSING ASSOCIATION

Agent: TM ARCHITECTS

Case Officer: NICOLA RANKIN

Expiry Date: 5<sup>TH</sup> JULY 2013

## RECOMMENDATION A

**GRANT** planning permission subject to conditions and the completion of a Section 106 agreement by **19<sup>th</sup> September 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 detailed **Ecological Woodland Management Plan** including details of an access strategy, maintenance arrangements and necessary funding.
  - II. A contribution towards **training and employment**
  - III. The re-provision of **open space** on the site to be provided within one year of the commencement of development and permanently retained as open space
  - IV. Provision of 100% affordable housing (all general needs/social rented)
  - V. Harrow Churches Housing Association shall enter into a nominations agreement with the Council in order to ensure that suitable applicants from the Council's own

waiting list can benefit from these proposals.

- VI. **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the S106 Legal Agreement
- VII. **Planning Administration Fee:** Payment of an administration fee for the monitoring of and compliance with the agreement.

## REASON

The decision to grant permission has been taken on the basis that the provision of new 'extra care' sheltered accommodation would meet an identified need for such accommodation in the borough. The proposal would ensure that there is not loss of open space on the site and the careful management and enhancement of the woodland, secured through a section 106 agreement, would provide a high quality environment for the residents of Paxfold as well as providing a positive community asset for the wider members of the local community. The physical impact of the development on neighbouring residential properties, including the impacts from visitors to the site can be satisfactorily addressed through the conditions and a S106 agreement. The design of the building, its size and siting are not considered to result in any unacceptable impacts upon the amenities of surrounding properties or on the existing residents of Paxfold. The proposal would result in the replacement of an existing poor quality building with a much improved and more sustainable design. 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 **19th September 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 an ecological management plan and strategy to secure the timely re-provision of open space on the site would result in the potential loss of open space and protected trees which make an important contribution to the amenity value of the area and would fail to enhance the ecological value of the TPO woodland and adequately mitigate the impacts arising from the proposal, contrary to policies 7.19, 7.21, 7.18 and 8.2 of the London Plan (2011) and saved policies D10, EP26 and EP27 of the Harrow Unitary Development Plan (2004).

## INFORMATION

The application is reported to the Planning Committee because the application is a major development and it would therefore fall outside of category 1(d) and 1(b) of the Scheme of Delegation.

Statutory Return Type: Major 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 it's

### Site Description

- The application relates to a 0.9 hectare site on the eastern side of Elizabeth Gardens which is accessed from Marsh Lane.
- The site comprises the Paxfold residential complex for the elderly together with its own car park as well as an area of unmanaged woodland that forms part of the grounds and facilities of the adjacent St William of York Church.
- Stanmore Town Centre is located approximately 0.5km to the north.
- Paxfold is accessed from Elizabeth Gardens to the west and Du Cross Drive to the south.
- Currently the site comprises 2 three storey blocks containing 49 studio bed sits, one and two bedroom flats together with ancillary communal and care facilities for the elderly.
- The woodland area is sited to the south east and south west of the existing building and is covered by a tree preservation order and contains a large number of mature trees.
- There is a general fall in levels across the site from the north west to the south east. There is a fall of approximately 1 metre from the northern boundary to the edge of the existing woodland. The site also falls approximately 300mm from the west facing façade of the existing building to the western edge of the parking area. In addition, a raised grass bank runs along the north eastern boundary of the site.
- The surrounding area is characterised by semi detached and terraced houses with some larger blocks of flats towards the north western part of Marsh Lane.
- The area around Elizabeth Gardens is characterised by post war flatted development and smaller scale semi detached housing with gardens.
- The rear gardens of the semi detached properties along Sandymount Avenue abut the north eastern boundary of the application site. Immediately to the north of the application site is Merryfield Gardens which consists of two storey flats and Masonettes. The properties on the eastern side of Marsh Lane, to the west of the application site, are predominately three storey with some four storey flatted blocks which have a mixture of flat and pitched roofs.
- To the southern side of the site, beyond the woodland area lies the St William of York RC church and associated Church Hall, car park and priest house which fronts onto Du Cross Drive. The church is a Grade II listed building.
- Part of the site is identified as designated open space as shown in the Harrow Core Strategy (2012). The designated open space covers the whole of the woodland area and some of the land surrounding the adjacent church and church hall. The total area of designated open space covers an area of 6, 380sqm.
- The Paxfold sheltered housing complex is identified as an allocated site for sheltered housing and open space within the Harrow Site Allocations DPD.

### Proposal Details

- The application proposes expansion of existing sheltered housing development involving construction of a new attached three storey building to the southern elevation and a new linked single and three storey building to the south west of the existing building to provide 28 x 1 bed extra care flats and new communal facilities for the residents. The proposal would involve a part change of use of existing residential accommodation on ground, first and second floors to ancillary office and storage space and laundry rooms. In addition, alterations would be made to car parking layout; landscaping and boundary treatment. The proposal would involve part

demolition of existing single storey building and alteration to existing building.

- Currently the site comprises 2 blocks containing 49 studio bedsits, one and two bedroom flats together with ancillary communal and care facilities. Some 7 existing studio and 1 x 2 bed flats within the existing building would be converted to ancillary communal facilities so that overall there would be a net increase of 21 units.
- The first of new build blocks would be three storeys in height and would be located in the existing TPO woodland area. The second of the new build blocks would be located to the south west of the existing building and would consist of a single and three storey building.
- The existing Paxfold building would be physically interconnected to both the new build blocks.
- The new three storey 'woodland' block would be sited to the south east of the existing building.
- The 'woodland' block would have a flat roof with a height of between 10m and 10.4m from the existing ground floor level. It is intended that this roof would be a brown roof. It would have a width of 27.5m and a maximum depth of 18 metres.
- The 'woodland' block would contain a total of 18 units and would be built on an area of designated open space. An equivalent area of open space (447m<sup>2</sup>) would be provided adjacent to the existing northern boundary of the woodland.
- The proposed 'entrance' building would be linked to the existing south western elevation of Paxfold. The three storey element of the building would have a flat roof to a maximum height of 10.2 metres from the existing ground levels. The proposed entrance building would also be connected to a slightly higher lift tower which would have a maximum height of 11 metres.
- The entrance building would have a maximum depth of 17 metres and maximum width of 31.5 metres.
- A new single storey building would be attached to the south eastern elevation of the three storey building and would have maximum depth of 21 metres and a maximum width of 14.5 metres.
- This element of the building would have a flat roof with a maximum height of 4.8 metres. The roof of the element would be a green roof.
- The ground floor of the proposed entrance building and attached single storey building would provide two wheelchair accessible residential units together with communal and ancillary facilities including a kitchen, lounge, café and office space.
- The proposed first and second floors of the entrance building would each provide four residential units.
- The tenure of the proposed development will be entirely for affordable housing.
- The extra care units will require an increase in staff and it is anticipated that there will be 8 staff employed at the development, with up to 6 staff on the site any anyone time.
- The proposals would provide parking for 25 cars, 8 mobility buggies, wheelchair storage and 5 bicycles.
- It is proposed to enhance the surrounding building through additional landscaping and the re-provision of an area of a permanent area of open space as an extension of the existing woodland.
- It is proposed to improve and enhance the woodland area through a long term management plan which will seek to provide improvements both in the ecological value of the site as well as in relation to community access to the open space.
- A new boundary treatment is proposed along the southern boundary of the existing woodland in order to restrict unauthorised access. It is proposed that this will consist of a 2.1 metre high weldmesh green fence.



## Relevant History

- None

## Pre-Application Discussion (Ref. PAT/ENQ/2013/00009) Summary:

### Principle of Development

- A space which attracts little use will always be of low value. As such, the principle of the land swap is considered to be acceptable provided there is some degree of community access. The open space should be provided as an extension to the adjacent woodland which would have the same level of protection and community access.
- As part of the application submission documents, further details would be required in relation to the users of the opens space, the level of community access and how this would be managed. Wider public benefits to the open space including ecological and social benefits would be a key consideration in the application.
- Due to the sensitivity of the loss of open space, it would be necessary to secure the provision of this through a section 106 agreement. The section 106 agreement would include details regarding the types of use, minimum levels of access and details of management. It is anticipated that management would be through a not for profit organisation. Harrow Nature Conservation Forum was suggested as one possible local group through which this could be addressed.
- With regard to table 3.2 of The London plan (2011), the appropriate density range for an urban environment context with a PTAL rating of 2 would be between 200-450 hr/ha and between 55 to 145 u/ha based on an average of 3 habitable rooms per unit. As such, in this regard the proposal would be within the density ranges set out in the London Plan (2011).
- There is no specific concern with the density provided this can be justified through and acceptable site layout a high standard of accommodation. If the proposed development can be accommodated within the site and would not result in a detrimental amenity impact to existing/future occupiers and the surrounding environment there is no concern with regard to this aspect.
- Further details would be required on the phasing of the development to ensure it is delivered in a timely manner and to ensure there is no significant long term loss of open space.
- Due to the sensitivity of the loss of open space, it is likely that the Council would like to see this secured through a section 106 agreement. It is considered that 6 months to a year for re provision would not be unreasonable.

### Trees:

- More details are required in respect of the removal of the trees around the existing building. Adequate levels of daylight, sunlight and outlook should be provided for the proposed three storey block to the south eastern corner of the site
- There is a fundamental reservation regarding the loss of the trees on the area of woodland, particular with regard to the B-specimen trees and the impact of post development pressure on these. Notably, the woodland forms parts of the Biodiversity Action Plan and as such the trees are also particularly important in this regard.
- It is considered that the loss of the trees would need to be addressed and resolved in order to establish the acceptability of the principle of the development.
- As such, in order to establish the principle more details are required in relation to the existing trees on site.
- Any high quality trees lost as part of development would be expected to be replaced and we would require more information with regard to the proposed number and

species that would be planted to off-set the loss. This information would be required as part of the planning application and a more detailed/finalised scheme could be required through a planning condition.

- A full Arboricultural Impact Assessment should be submitted with the application and this should include the whole woodland area. The Arboricultural Impact Assessment should include a draft method statement, tree protection plan, together with proposed recommendations. A construction management plan would be required additionally through a planning condition to ensure that the trees on the site would be safeguarded.
- Given, the level differences across the site, a full topographical survey would also be required with the application.

#### Character and Amenity:

- There are concerns with the impact of the proposed three storey block on the levels of daylight and sunlight to the existing west facing façade of the existing three storey block as indicated by the preliminary sunlight studies, which shows that overshadowing would occur for large periods of the day, particular during the winter months. As such, in order to fully assess this aspect of the proposal, full details of the numerical tests laid down in the Building Research Establishment (BRE) Digest 209 'Site Layout Planning for Daylight and Sunlight; a good practice guide' would be required to be submitted with the application.
- It is considered that the space between the existing three storey block and proposed new block, adjacent to the building link could be improved and further utilised. For instance, it is considered that the linking element could be widened to address this lost space as much as possible, given it would receive a limited amount of light and outlook.

#### Heritage Aspects:

- The proposal would be in the setting of the grade II listed St William of York Church. English Heritage would be consulted as a statutory consultee on the application.
- Indications from the list description appear that building on the adjacent woodland within the setting of the grade II listed building would preserve its significance. Nevertheless, the Design and Access Statement or separate heritage statement should provide some historical information on the history of this area in relation to the church to show that building on this land would preserve the setting of the listed building. It should also clearly show that the tree screening would mean views to and from the listed building would be preserved.

#### Biodiversity:

- Access to the site by the public should be limited; its overall use should be tempered by any reduction in biodiversity value which might occur as a result.
- New tree and shrub planting should comprise smaller, native species particularly those types which produce nectar-rich blossoms and berries e.g. rowan, hawthorn, dogwood and guelder rose.
- Ivy should not be removed from trees unless a qualified Arboriculturalist feels it poses a significant risk to people on the grounds of health and safety.
- Bird and bat bricks and boxes should be included on or (particularly) built into new and existing dwellings - these should cater for Principal Species in England and London Biodiversity Action Plan species such as house sparrow, starling, swift and house martin.

### Parking and Traffic:

- Evidence should be provided with the application to demonstrate the parking need.
- As the current proposal, involve building over an adopted highway, a 'stopping up' order will be required prior to the start of construction with an agreed revision for the extent of adoption.

### **Applicant Submission Documents**

- Design and Access Statement (Including Heritage Statement and Sustainability Statement)
- Statement of Community Involvement
- Energy Assessment
- Daylight/Sunlight Assessment
- Transport Statement
- Woodland Management Statement
- Tree Report
- Ecology Report
- Topographical Survey Drawings
- Tree Survey Drawings
- Planning Statement (Including affordable housing statement) summary:
- The development results in a careful and responsive fit within this quiet suburban site and its immediate context. It will provide a good quality residential environment for future elderly residents as well as a functional and spacious new day care facility for the elderly of the Borough
- It will result in a positive addition to the locality being designed to respond to the sensitivities of the adjacent neighbouring properties in terms of sunlight and daylight, overlooking, materials, massing building lines and architectural rhythms.
- The homes have been designed to ensure they meet the needs of the elderly. Most have a private terrace or balcony and other large glazed openings to provide for good views and ease of access throughout the complex which will help reduce the sense of isolation many elderly people suffer from.
- The homes are also designed to contemporary standards with respect to unit and room sizes as well as being energy efficient.
- The day care facility has been carefully planned and laid out offering a range of functions to future users within a spacious and thoughtful configuration. The proposed sheltered communal garden area is privately situated adjacent to living and dining facilities, overlooking the proposed and existing woodlands.
- The development includes off-street car parking for 25 cars, with 8 mobility buggies, wheelchair storage and cycle parking for 5 bicycles for staff and visitors.
- Particular regard has been had as to the impact of the development on the woodland area that forms part of the site. The special nature and ecological and amenity value of the woodland area is fully acknowledged and a management strategy has been drafted that has regard to enhancing the ecological and aesthetic quality of this space and means effectively offsetting the impact of the development arising.

### **Consultations:**

**Conservation Officer:** The proposal is within the setting of the grade II listed Church of St William of York, Du Cros Drive. It will be well screened and would preserve the setting of this building.

**Drainage:** No objection, subject to conditions

**Housing Enabling:** These proposals have been formulated by Harrow Churches HA in partnership with the Council and as such the final scheme will address a priority housing need in the borough.

The recently adopted Harrow Housing Strategy commits to working with housing providers in order to ensure that plans for re-provision of existing facilities meets current needs and aspirations.

Harrow Churches HA is committed to entering into a nominations agreement with the Council in order to ensure that suitable applicants from the Council's own waiting list can benefit from these proposals. The development will therefore assist in meeting housing need overall as well assisting with the Council's downsizing incentive where applicants currently live in Council owned accommodation which is too large for their needs.

**Waste Management:** The proposed storage volume represents a reduction of 19% on the council's standard requirements. In view of the fact that the flats are predominantly bedsits and an Extra Care scheme, I am prepared to accept this reduction. However if the proposed volume proves to be inadequate, then additional bins will need to be provided. The location of the storage areas is acceptable.

**Highways Authority:** It is considered that the principle of development is acceptable and the design put forward by the applicant is satisfactory in operational terms and does not measurably affect road capacity or prejudice vehicular/pedestrian safety in this vicinity. The proposal conforms to London Plan 2011/Local Development Framework Core Strategy objectives/standards and the National Planning Policy Framework.

**Landscape Architect:** Proposal acceptable in principle but landscaping conditions required.

**Arboricultural Officer:** The revised woodland survey submitted for the above is comprehensive and contains several different scenarios for management, based on the eventual level of access to the woodland. It has been agreed that the site would work on a very limited level of access - access to residents via a lockable gate and public access would be limited to 4 or 5 days per year eg. school groups, etc)

Some thinning out of crowded areas would increase canopy space for other trees and allow more light to penetrate the woodland floor, increasing diversity of ground flora. Trees which are dead or identified for removal on safety grounds, should wherever possible be monolithed or the stem reduced to a safe height, and retained for wildlife / pecking posts rather than complete removal.

No tree felling should take place during bird nesting season (Mar - Aug)

The area of Blackthorn growth (rear of the church) should be left as it is although some self-sown Ash could be thinned / removed from this area where appropriate

In terms of the development itself, an arboricultural Implications Assessment based on the actual design layout / development proposals, is required in order to be able to assess the impact of the proposed new building on the existing woodland / trees. This is as per the BS5837 (2012) requirements. It may also be advisable to seek advice on foundation design requirements, given the presence of nearby mature trees, and the clay subsoil (eg

use of piled foundations)

Additional comments to follow.

**Biodiversity Officer:** Overall, the biodiversity report is well researched and written. I would make the following recommendations:

- The applicants should adhere to the Key Recommendations of their ecological consultants (DF Clark Bionomique Ltd) with regards to species and habitats on site.
- Access to the site by the public should be limited; its overall use should be tempered by any reduction in biodiversity value which might occur as a result.
- New tree and shrub planting should comprise smaller, native species particularly those types which produce nectar-rich blossoms and berries e.g. rowan, hawthorn, dogwood and guelder rose.
- Ivy should not be removed from trees unless a qualified Arboriculturalist feels it poses a significant risk to people on the grounds of health and safety.
- Details of Bird and bat bricks and boxes are acceptable assuming they are at the elevations recommended by RSPB. Bird boxes should be placed in suitable trees - these should cater for more common garden species such as robin, song thrush, tits and finches.
- Deadwood is a Harrow Biodiversity Action Plan (BAP) habitat. Dead or dying trees should be 'monolithed' and left in situ wherever it is safe to do so.
- In the light of ash die-back no new ash trees should be planted anywhere within the site until further notice.
- Smooth newt has been found on site - all native reptiles and amphibians are Harrow BAP species - the feasibility of providing wetland habitat within the woodland should be investigated.
- A management brief covering the first five years of management should be formulated at the first possible opportunity.
- I recommend that tree felling and other major tree-works should be conducted over the winter period unless on the grounds of health and safety. It is bad practice to fell trees while the sap is rising and the stumps would not respond well to herbicide treatment if used. Additionally there is the possibility that breeding birds (legally protected species) will be disturbed even if not in the trees actually being removed. I suggest the ecologist is in attendance and keeps a watching brief during all initial (major) vegetation works in order to minimise disruption to birds, amphibians etc.
- The timber walkway width of 1.2 metres is acceptable, further detailed plans should be provided through condition.
- Further specifications for the proposed green roof, planting list and management should be provided.

**Crime Prevention Design Advisor:** No object, subject to the Community Safety Secured by Design Condition being attached to the permission to ensure the development minimises the risk of crime in a visually acceptable manner and meet the specific security needs of the whole development

**Advertisement:**

Press Advert:

Major Development

Setting of A Listed Building

Departure from Development Plan

Expiry: 23.05.2013

Site Notice:  
Major Development  
Setting of A Listed Building  
Departure from Development Plan  
Expiry: 04.06.2013

### **Notifications**

Sent: 251  
Replies: 3  
Expiry: 10.05.2013

### **Addresses Consulted**

- Orford Court Marsh Lane
- Pembroke Lodge Du Cros Drive
- 13 to 32, Merryfield Gardens
- 86 to 122 Sandymount Avenue
- Elizabeth Gardens
- St William of York Church, Du Cros Drive
- Elmcroft, Merryfield Gardens
- Ashcroft, Merryfield Gardens
- The Briars, Merryfield Gardens
- 1, 67, 66 68, 76, Talman Grove, Stanmore
- 1, 25, 26, 27 28, 29, 30, 32, 34 Du Cros Drive
- 33, 35, 37, 39 Marsh Lane
- Half Acre, Marsh Lane
- Burnham Court, Marsh Lane

### **Summary of Responses**

- The plans to move my mother out are totally unacceptable and I would suggest that the plans be re-addressed so that my mother is not affected.
- The proposed new building will have a detrimental impact on sunlight admission to the properties at the rear along Sandymount Avenue.
- The proposed building works will result in undue noise and disturbance.
- The proposal will result in a reduction in property values.
- The proposed new building will result in a loss of privacy to the residents of Sandymount Avenue.
- The woodland is protected by a Tree Preservation Order and the proposal would have a detrimental impact on the biodiversity value of 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.'

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].

#### Emerging Development Management Policies Local Plan 2013 [DMP]

The DMP 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. The Council received the Inspector's final Report into the Development Plan documents on 28 May 2013 and the Inspector's report has found that the DMP is sound. In light of this and in line with NPPF paragraph 216, it is considered that the policies of the DMP can be afforded significant weight in the consideration of planning applications.

### **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.

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

#### 1. Open Space

Paxfold, Elizabeth Gardens is identified as a site suitable for 'replacement sheltered housing' within Harrow's site allocations DPD (2013) (Site H15). The site allocations DPD states: "*The site is suitable for re-development to provide replacement sheltered housing to modern standards of comfort and accessibility. The site boundary includes land designated as open space. In redeveloping the site there should be no net loss of open space. However, subject to an assessment of the amenity value of trees on the open space (and any subsequent requirement for their retention), there may be potential to re-provide the open space to enhance community access to this important local asset*".

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

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

Policy DM 18 of the Emerging Harrow Development Management Policies Local Plan (2013) states that... *“the reconfiguration of land identified as open space on the Harrow Policies Map will be supported where there would be no net loss of open space.”* If open space is lost it should result in equivalent or better provision in terms of quality, or where the need for and the benefits of the development clearly outweigh the loss.

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

The proposed woodland building would be built on designated open space as identified in the Harrow Core Strategy (2012). Nevertheless, the space lost from the footprint of the building would be compensated for by an equivalent area of open space (447m<sup>2</sup>) as an extension to the existing woodland on the northern boundary of the site. The reconfigured area of open space would be planted with native species appropriate to a woodland verge and allowed to develop naturally with minimal intervention. As the proposal would result in no net loss of open space on the site and would be replaced with an area of similar value in terms of quality, it is considered that the quality and function of the designated open space would not be unduly compromised. Indeed, it is considered that this would be improved through the provision of increased management including controlled access to the local community. As such, in this instance the development is considered to be an acceptable departure from the development plan.

## 2. Housing Need and Density

The Development Plan for Harrow also contains policies that support the delivery of appropriate affordable housing, including sheltered housing for the elderly.

Policy 3.8 of The London Plan (2011) also encourages the borough to provide a range of housing choices in order to take account of the various different groups who require different types of housing.

Core Policy CS1 I outlines the need for a mix of housing in terms of type, size and tenure across the borough and within neighbourhoods in order to promote housing choice, meet local needs and to maintain mixed and sustainable communities. New residential development should include the provision of a range of affordable housing tenures including social and affordable rent. Core Policy CS1J of the Harrow Core Strategy (2012) seeks the maximum reasonable amount of affordable housing on all development sites, with a Borough-wide target of 40%.

Saved policy H13 of the Harrow Unitary Development Plan (2004) outlines that the Council, in considering proposals for sheltered accommodation, will take account of



whether the proposal would be close to essential facilities and services, that there are no significant effects on surrounding properties or on the character of the locality, that there is adequate off street parking and no adverse impact on highway safety and finally that the accommodation is designed to mobility standards and provided with a high level of accessibility.

Policy DM 18 of the Emerging Harrow Development Management Policies Local Plan (2013) states that *“The Council will support proposals on previously developed land for sheltered housing, care homes and extra care housing (across all tenures) for older people and those who may be vulnerable, provided that the proposals is accessible by public transport with good access to local amenities including shops and community facilities”*

The proposed development will provide 28 new one bedroom flats in two blocks adjacent to the retained sheltered housing accommodation of 41 bedsits and one bedroom flats. All new flats will provide extra care housing for older people. There will be a net increase in 21 flats with seven existing bedsits being replaced by 7 one-bed flats within the new development. All units have been designed to exceed lifetime homes and London Housing Design guide standards and the proposals will meet code for sustainable homes level 4.

The proposed accommodation will contribute towards meeting local housing needs as identified in Harrow’s Evidence Base in which projections show that by 2015 there will be significant pressures on adult social housing care service budgets to support the growing needs of older people. The Harrow Housing Strategy forms the overarching housing policy in Harrow and was formally adopted in April 2013. The Strategy sets out that there is a need for supported housing to meet the needs of vulnerable people, including a range of sheltered / extra care housing (as an alternative to residential care and to meet the needs of people with dementia) and supported accommodation to meet the needs of people with learning disabilities and mental health needs. This will be predominantly in the social (affordable) housing sector.

In addition, the Housing Strategy seeks to ensure that housing options are available to meet the additional support needs of local people and that they promote independence, reducing the use of residential care. The strategy also promotes the best use of existing stock and where existing stock falls below current standards will promote re-provision and improvement where feasible and viable.

These proposals have been formulated by Harrow Churches HA in partnership with the Council and as such the final scheme will address a priority housing need in the borough. The recently adopted Harrow Housing Strategy commits to working with housing providers in order to ensure that plans for re-provision of existing facilities meets current needs and aspirations.

Harrow Churches HA is committed to entering into a nominations agreement with the Council in order to ensure that suitable applicants from the Council’s own waiting list can benefit from these proposals. This can be secured through a section 106 agreement. The development will therefore assist in meeting housing need overall as well assisting with the Council’s downsizing incentive where applicants currently live in Council owned accommodation which is too large for their needs.

With regard to table 3.2 of The London plan (2011), the appropriate density range for an

urban environment context with a PTAL rating of 2 would be between 200-450 hr/ha and between 55 to 145 u/ha based on an average of 3 habitable rooms per unit. The existing site density, excluding the woodlands, is 116 hr/ha based on a site area of 0.5ha. The proposed density will be increased to 205 hr/ha. As such, in this regard the proposal would be within the density ranges set out in the London Plan (2011).

### 3. Trees and Woodland

As discussed above, the entire area of woodland behind St William of York Church is subject to a 'Woodland Area Tree Preservation Order'. This means that all trees, including self seeded saplings are protected with the main objective to ensure that the woodland character is retained.

The woodland is part owned by Harrow Churches Housing Association and part owned by the adjacent catholic church. The woodland is not registered as a BAP habitat and it is not included on the Natural England Ancient Woodland Inventory. The woodland currently attracts little use and is not maintained and consequently does not have a high ecological value. It is acknowledged that a number of the trees are in a dangerous condition and require felling. The application is accompanied by a full phase 1 habitat survey which outlines that give the scale of the development proposed, it is unlikely to have any significant impacts on any of the habitats found to be present. However, the report finds that the creation of a long term management plan for the site as part of the proposed development is likely to improve the ecological value of the site.

The construction of the new woodland building will necessitate the need for some tree clearance to accommodate the new building as well as to ensure that adequate day lighting levels are achieved within the new flats. Due to a lack of management within the woodland area, there are a number of trees which are heavily asymmetric or have very high, small crowns and slender stems. The application is also accompanied by an Arboricultural Report which states that many of the trees, which left to continue to develop as they are, will eventually suffer wind snap or gravitational failure. By thinning out the trees 'canopy space' can be increased which would result in better formed trees as well as increasing light penetration to the woodland floor, thereby increasing the potential for other species to develop in the shrub and ground layers. In addition, a number of B-specimen trees would need to be removed defined as having moderate quality. The applicants have sought to offset the impact of the proposed development with an indicative tree replacement plan

At the time of preparation of this report, officers are still awaiting additional information in relation to the Arboricultural Impact Assessment. Consideration of this report, including any subsequent recommended conditions and comments from the council's Tree Officer, will follow on the committee addendum.

In view of the above factors, it is considered that the proposed new three storey building in the north eastern part of the woodland site would be mitigated by the reconfiguration of open space to provide an extension to the woodland on the northern edge of the site. The loss of trees is considered to be acceptable in principle, subject to the implementation of a replacement strategy which can be secured by a planning condition. The principle of the land swap is considered to be acceptable given the overall qualitative enhancement of the woodland, improved ecological and biodiversity value together with a woodland access strategy to benefit the local community. In order to ensure that the long term future of the woodland and both the permanent retention and timely provision of open space on the site, it is recommended that a woodland management plan and open space

strategy is secured through a section 106 agreement. Subject to this, the principle of the development is considered to be acceptable.

In summary, the principle of re-development and expansion of the existing sheltered housing facilities, following the careful balancing of policy interests, is considered by officers to be acceptable. There is an identified need to provide additional affordable extra care accommodation and the proposals will provide a high quality environment for both the residents of Paxfold, whilst also enabling other members of the community to benefit from the ecological and aesthetic value of the enhanced woodland through careful management. The loss of part of the existing woodland area as designated open space on the site would not compromise the development as this would be re provided for permanent retention as an extension to the woodland on its northern side, resulting in no loss of open space on the site. Currently the TPO woodland is unmanaged and consequently attracts little use and is poorly maintained, limiting the overall ecological value of the area. However, Officers consider that with careful management the ecological and aesthetic value of the woodland can be significantly enhanced and will also provide a greater benefit to the local community through a controlled access strategy. Officers consider that the re-development and expansion proposed is accordingly acceptable in principle and would comply with the National Planning Policy Framework (2012) core policy CS1 I of the Harrow Core Strategy, policies 3.8, 3.12, 3.13, and 3.17 of The London Plan (2011) and saved policy H13 of the Harrow Unitary Development Plan and DM policy 29 of the Emerging Harrow Development Management Policies Local Plan (2013).

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 1 (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”*.

It is considered that the overall scale and massing of both of the new blocks would respect the form and layout of the adjacent buildings, being three storey in height with a single storey element to the rear of the entrance building.

The new proposed woodland building would respect the existing rear building line of Paxfold and would be sited a distance of 33 metres from the rear facades of the properties fronting Sandymount Avenue to the rear of the site. There is a raised bank which runs adjacent to the north eastern boundary of the site, within the existing communal garden which is planted with mature trees and vegetation. As part of the proposals, it is proposed to retain and enhance the trees along the north eastern boundary. As such, having regard to the distance from the proposed new three storey woodland building and the tree screen along the north eastern boundary, it is considered that the proposed three storey woodland building would have an acceptable relationship with the properties along Sandymount Avenue. The existing building would screen the proposed three storey entrance building from these properties.

The overall planting density of the existing woodland will remain overall following the felling of some trees and their subsequent replacement with new replacement native species. New trees are proposed along the south eastern boundary of the woodland which will ensure that the woodland building continues to be screened from Du Cross Drive. As such, the visual impact of the proposed development would not be detrimental to the character and appearance of Du Cross Drive.

As outlined above, the adjacent St William of York church, located along Du Cross Drive is grade II listed. The application is accompanied by a Heritage Statement within the Design and Access Statement which considers the impact on the setting of this heritage asset. As outlined within the statement, the existing Paxfold buildings are completely screened from Du Cross Drive as a result of the density of the woodland growth. The new woodland building will extend the existing building towards the south and towards Du Cross Drive. However, it will be separated from the church by a continuous stretch of woodland. The proposed entrance building would be located some 50 metres from the church, while the woodland building would be located some 15 metres from the Church hall. The Arboricultural report has found the trees between the church and the new building are of reasonable quality and as such there is no requirement to remove them. As such, it is considered the trees will provide an effective visual screen between the proposed new buildings and the church. The scale of the proposed three storey buildings are also considered to be in keeping with the scale of the church as are the proposed materials, including a brown facing brick, which would be sympathetic to the existing palette of materials used in the grade II listed church. The application has been referred to the Council’s conservation officer who is satisfied that the proposed development will be effectively screened, thereby preserving the setting of this heritage asset.

The location of the new entrance building would be located further north than the existing communal building. It is considered that this improves the legibility of the entrance and marks the end of the public street. Some of the accommodation within the existing

building would be converted to ancillary facilities in order to mitigate the impact of the new three storey building on the existing residents. Two of the residential units on the ground floor which would be closest to the new building would provide training and meeting room a buggy and cycle parking storage facility. Although part of the entrance building would be three storeys in height, the application is accompanied by a daylight and sunlight assessment to BRE guidelines. The report demonstrates that the height of the building will result in an acceptable level of daylight and sunlight to the closest residential units. As such, it is considered that the proposed development would not have an overbearing impact on the existing occupiers.

The proposed three storey entrance building would be sited some 26 metres from the two storey flats 'Ashcroft' and 'Elmcroft' situated adjacent to the northern boundary of the application site and would therefore also have an acceptable relationship with these properties in terms of character and appearance.

The design of the proposed new blocks in relation to the existing building has been conceived as a series of blocks and linking elements that accommodate different functional areas. As such, the existing building, the new entrance building and woodland building would form three distinct elements within the proposed scheme. The main building blocks will be expressed in facing brick work, whilst the linking elements are proposed to be light weight and permeable. The linking elements of the building would be generously glazed and provide articulation of the circulation spaces and provide space for informal social activity. The linking elements of the building have a flat roof design which is lower and subservient to the main formal blocks and it is considered that this would help to reduce the overall bulk and visual mass of the building when viewed from the surrounding neighbouring properties. It is considered that the differentiation in materials results in a building that has clear legibility and articulation.

#### Landscaping

A comprehensive landscape strategy accompanies the application and would result in much improved woodland and enhanced external space around the building. As outlined tree removal within the woodland would be kept to a minimum in order to ensure the long term survival of the area as a local natural habitat for wildlife. The new open space provided in lieu of the area of land lost to the development would be planted with appropriate native species as an extension to the woodland. The woodland area would incorporate a raised timber walkway which would be full wheelchair accessible. The new hard surfaced parking area would be edged with a band of block paving. The substantial mature hedge along the northern boundary of the site would be retained and surrounding parking area to the front of the main entrance building would be softened with additional shrub and tree planting, thereby enhancing the views to the front of the site. A new private sensory garden would be provided to the rear of the site, providing external space for the communal lounge/café. A new eco wall would be formed between the new entrance building and the existing residential block. The eco wall will cover the three storey flank wall of the entrance building and will consist of climbing plants, bird nesting boxes and bird feeding platforms. The single storey roof over the main communal lounge would have a green and bio diverse roof planted with wild flowers, providing an attractive view for the surrounding upper level flats. In addition, a brown roof is proposed over the woodland building. An enclosed refuse store would be provided towards the western end of the building which is acceptable. Notwithstanding the details provided, a condition is attached to ensure that a detailed hard and soft landscape is submitted to the Local Planning Authority for further consideration prior to the commencement of development.

Overall, it is considered that the proposed development is a well-considered design that 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**

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

Policy DM 1 of the Emerging Harrow Development Management Policies Local Plan (2013) states that “The assessment of the design and layout of proposals will have regard to: “the massing, bulk, scale and height of proposed buildings in relation to the location , the surroundings and any impact on neighbouring occupiers”.

### Privacy and Overlooking

Neighbouring properties with facades facing the site include 41-46 Elizabeth Gardens to the west, Ashcroft and Elmcroft flats in Merryfield Gardens to the north and No’s 110 -116 Sandymount Avenue to the east. The adjacent church hall is the closest to the new development at 15 metres at the closest corner, however, there are no windows directly facing each other and the church and hall are well screened by trees.

As discussed above, the proposed relationship with the properties in Sandymount Avenue would be the same as the relationship further north between Paxfold and No’s 102 to 106 Sandymount Avenue. The separation distances of 33 metres are considered to be acceptable and would not give rise to undue loss of privacy or perceived overlooking.

The closest properties within Merryfield Gardens are some 25 metres away from the nearest windows in the proposed entrance building. In addition, there are no main habitable room windows which in the faces of Ashcroft or Elmcroft. As such, it is considered that the proposal would not give rise to unacceptable levels of actual or perceived overlooking to the residential properties to the north.

### Daylight and Sunlight

The BRE guidelines state that if following the construction of a proposed development, the Vertical Sky Component (VSC) remains greater than 27%, then the light entering a window should be sufficient. Where a window falls below this level, the guidelines suggest a 20% reduction from the existing value is unlikely to be noticeable to the occupants.

The layout and orientation of the buildings have been designed to reflect the constraints of the site and reflect the 45 degree code in the horizontal and vertical plane as outlined in the adopted SPD (2010). The central three storey block would respect the 45 degree code in both the horizontal and vertical planes in relation to the closest adjacent residential block to the west, No. 41 to 46 Elizabeth Gardens. The daylight and sunlight

report shows that in terms of daylight all rooms within 41 to 46 Elizabeth Gardens would comply with the recommendations of the BRE Guidelines. With regard to sunlight there are three windows which face due south of the development site and all three show full compliance to BRE recommendations.

With regard to the closest properties at the rear of the application site in Sandymount avenue the assessment concludes that in terms of sunlight the windows in these properties would experience more than double the recommended levels and also shows that there would be no change in terms of daylight enjoyment.

In terms of the existing building, the accompanying assessment demonstrates that 91% of the windows would satisfy the BRE guidelines in relation to daylight. Two of the three windows which would fall short of the first test would however comply with the second permissible daylight test. The remaining window which would fall short of both tests would still have a Vertical Sky Component value of 21%. As such, it is therefore considered likely that the occupant of this studio apartment will continue to experience an adequate amount of daylight within the room. In terms of sunlight, the technical analysis shows that 30 out of 34 windows would show full compliance to the recommendations of the BRE Guidelines.

It is accepted that some trees would be lost as a direct result of the construction. However, it will also be necessary to ensure that the limited tree clearance around the building would result in acceptable levels of internal daylight and sunlight to the proposed new units within the woodland building. Further tests have been undertaken in respect of the tree clearance currently proposed in order to provide a worst case scenario of potential daylight and sunlight to these units. The additional tests submitted with the application find that the internal daylight and sunlight levels within the proposed rooms would be far in excess of BRE Guidelines

The conclusions of the report outline that overall the internal daylight and sunlight shows excellent compliance levels. The report notes that where transgressions from guidance have been found, these are relatively minor in nature and will still retain very good levels overall. Having regard to the above, officers are satisfied with conclusions of the tests and it is considered that the daylight and sunlight impacts both internally and to the surrounding properties are in keeping with the flexible tolerance of the BRE Guidelines.

#### Intensity of Use

The proposal will result in an increase in the intensity on the site expressed through increased comings and goings and residential activity at the site (although this may be less likely at unsocial hours, given the occupants of the proposed development). However, given the parking restraints on the site, which are discussed latter in the appraisal, indicate that such additional movements would be more likely to be on foot or by non car modes and the increase in residential activity would not therefore likely to be so significant as to cause significant additional noise and disturbance to surrounding residents.

#### Impact on Intended Occupiers

All the flats would meet the minimum standards outlined in the housing SPG (2012) for a one bedroom 2 person flat. Gross Internal Floor areas would vary between 52 to 55sqm. The majority of the flats are designed to comply fully with wheelchair accessible standards and would have level access to their own private balcony or terrace.

### Amenity Space

It is considered that the amount of amenity space that would be provided, including the access to the woodland, would be sufficient for the occupiers of the development. The residential units would be provided with large semi recessed windows and balconies/Juliet balconies overlooking green spaces. Each balcony or terrace would be 7sqm which is acceptable in relation to the Housing SPG (2012) which recommends a minimum private space of 5sqm. The units which would not have access to a balcony or terrace would have a greater living area, approximately 5sqm in size. In this regard, the development would accord with saved policy D5 of the Harrow UDP.

### Construction Phasing

It is envisaged the development would be constructed in its entirety over one phase. It is inevitable that noise and disturbance would increase during the construction process; however the impacts would be temporary and can be mitigated to some extent. However, given the site and locality constraints a detailed construction management strategy, to include a detailed timetable for implementation, could reasonably be required. Subject to these further details be provided, it is considered that the construction of the proposed development could be managed in a way that reduced the impact of the proposed development on the neighbouring occupiers during the construction phase to acceptable levels.

In summary, the proposed development is considered acceptable in terms of residential amenity. As such, the proposal would accord with policy 7.16 of The London Plan (2011), and saved policies 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.

The scheme will therefore provide 28 new one-bedroom flats in two blocks adjacent to an existing sheltered housing block. To cater for the expansion it is also proposed to reconfigure and therefore maximise the existing parking arrangement which leads to an increase from 21 to 25 spaces with provisions for 8 mobility buggies, wheelchair storage with 5 cycle spaces.

The site is just outside the fringe of the adjacent Stanmore Controlled Parking Zone (CPZ) so there are no formal 'residential' parking controls but there is the presence of localised double yellow line waiting restrictions at key kerb locations within the road which includes the mouth of Elizabeth Gardens where it merges with the service road which runs parallel to Marsh Lane.

There are no prescriptive parking standards for the C2 use hence the relevant site context is taken on merit and a restraint based approach is hence applied. It is important to stress that only 13 occupiers of the existing 49 flats are car owners which reflects the typically low parking demand generated by C2 uses. These 13 vehicles are contained within private parking areas linked to the site and currently do not stray onto the adopted public highway. This has been supported by the applicant who has undertaken parking surveys which indicate that spare parking capacity does exist within surrounding residential roads.



Notwithstanding this the applicant has also been encouraged to investigate and apply comparable sheltered housing operating models to that proposed in order to determine operational parking demand and hence the required provision for residents, visitors and staff/medical support. This exercise has been undertaken and indicates an operating parking provision within the 'band' of parking quantum proposed with an approximate demand of 22 spaces. As a result of the existing indications of parking demand which the applicant has demonstrated to be containable within the proposed quantum of parking it is therefore considered to be a realistic reflection of the demand that this proposal may be expected to impose which avoids notable overspill onto the adopted public highway. It is also noted that the physical constraints of the site envelope limit any further parking provision from being affiliated to the site. As parking generation/displacement is therefore unlikely to be at a level of significance it is considered that parking provisions are acceptable on the above premise.

The revised building footprint requires reconfiguration of the public highway at the eastern end of Elizabeth Gardens with the loss of adopted public highway. This reconfiguration in terms of accessibility/servicing i.e emergency/refuse access and re-provision of a vehicular 'turning head' etc is considered acceptable in principle and will require a 'stopping up' process to commence under s247/252 of the Town and Country Planning Act 1990 subsequent and dependant on grant of this planning permission.

### Traffic Generation

C2 sheltered housing schemes are accepted as low key traffic generators with staff and visitor arrival and departure times being distributed throughout the day which dilutes the impacts of use intensity with minimal activity during morning and peak traffic hours. This is also reinforced by the low car ownership of 13 cars for the 49 existing flats. On the basis that the parking provisions have been maximised from 21 to 25 spaces within the scope of the development envelopment there are no specific concerns with regard to the expected minimal additional parking demand from the uplift in flatted provisions and henceforth peak hour traffic generation is predicted to be negligible thus averting concern.

The London Plan 2011 requires a provision of 1 space/3 staff and 5 cycle spaces are proposed which is welcomed and accepted.

A full Construction Logistics Plan will be recommended to be secured under a planning condition given the proximity and traffic sensitivity of the A4140- Marsh Lane and Elizabeth Gardens itself. In addition, it is recommended that a Travel Plan statement is secured by condition and submitted post permission to ensure that maximum encouragement is applied to staff and visitors in promoting use of sustainable travel modes to and from the site. The application has been referred to the Highways Authority who have not objected to the application.

Overall, it is therefore concluded that the principle of development is acceptable and the design put forward by the applicant is satisfactory in operational terms and does not measurably affect road capacity or prejudice vehicular/pedestrian safety in this vicinity. The proposal is therefore considered to be acceptable, and would comply with the aims and objectives of policy 6.3 of The London Plan and saved Harrow Unitary Development Plan policies T6 and T13.

### **Trees and Biodiversity**

Saved policy EP26 of the Harrow Unitary Development Plan encourages conservation of wildlife 'through the protection of existing, and creation of wildlife habitats'. 'Developers

will be encouraged to create and enhance landscape and nature conservation features in an ecologically sensitive manner’.

The extended phase 1 habitat survey submitted in respect of the woodland area found that the area is not ecologically rich or diverse as it could be and that increasing species diversity and ground flora would require thinning out the existing tree number.

The trees were found to provide suitable habitat for a number of species and some potential for summer roosting bats. There are a number of species of birds present as well as a fox. Given the majority of the woodland is proposed to be retained no further surveys for bats were undertaken. The site was not found to support any rare plant species which is partly due to the young age of the woodland and partly due to the lack of management. The applicant proposes to install a number of bird boxes and bird bricks to be erected on suitable locations on the new buildings which would cater for Regional (London) or UK Biodiversity Action Plan (BAP) species. A list of recommendations has been made in the order to enhance the biodiversity of the woodland and ensure its long term survival including the creation of wetland and deadwood habitats and increase the diversity of ground flora. The preliminary woodland management proposals and recommendations within the phase 1 habitat survey have been referred to the Council’s Biodiversity Officer who is satisfied with the level of detail in the preliminary proposals. Nevertheless, it is considered that the recommendations within the phase 1 habitat survey should be adhered to and a management plan produced at the earliest opportunity for an initial 10 year period and reviewed after this time in order to ensure that the area would be managed appropriately and effectively. It is recommended that this be secured through a section 106 agreement

Harrow Churches Housing Association has also provided preliminary woodland Access Management Strategy which outlines that in addition to the maintenance of the woodland, a commitment will be made to provide controlled community access to the woodland. The woodland is recognised as being a rare urban facility with particular educational and amenity value. Nonetheless, it is also acknowledged that the balance between ecological sensitivities and access needs to be carefully controlled, given that excessive access and use of the woodland could have a detrimental impact on the ecology. The applicant proposes annual visits for a number of local community groups which may include an older person event, a volunteer woodlands management group, a London open garden day event and a local primary school event. It is anticipated that a local wildlife group will carry out maintenance works during the year. It is considered that agreed levels of access to the site and maintenance works, including any required funding arrangements, can be provided through a detailed ecological management plan, secured through a section 106 agreement.

At the time of preparation of this report, officers are still awaiting additional information in relation to the Arboricultural Impact Assessment. Consideration of this report, including any subsequent recommended conditions and further comments from the council’s Tree Officer, will follow on the committee addendum.

Subject to conditions and the provision of a long term woodland management plan it is considered that the ecological and aesthetic value of the area would be enhanced and the development would thereby comply with policies 7.21 and 7.19 of The London plan (2011) and saved policies, D10, EP26 and EP27 of the Harrow Unitary Development Plan (2004).

## **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.

All flats would have sufficient circulation space with sufficient door widths and turning circles. Door widths and level thresholds will ensure barrier free access through the building as well as within each home. The flats would be fully wheelchair accessible in terms of manoeuvrability and space. In addition to the residential element of the proposal, the proposed communal facilities will be fully wheelchair accessible with generous circulation spaces. A range of measures will be incorporated within these spaces including contrast colour floor edging and tactile handrails for the visually and mobility impaired and cross corridor fire doors concealed in recesses. 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**

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 application is accompanied by a detailed energy and sustainability study which demonstrates that the proposed development has been designed to meet code level 4 of the code for sustainable homes, ensuring the long term sustainability of the development. It is proposed to install a highly efficient communal gas boiler as well as the installation of a PV system on the roof of the building to provide electricity for the communal areas. The building fabric will be enhanced above building regulation standards in terms of its thermal and heat retention properties. A condition is recommended to ensure that code level 4 is achieved for the new residential development. Subject to compliance with this condition, 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 Council's adopted SPD Sustainable Building Design.

Policy 5.11 of the London Plan (2011) 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, including the provision of a green and brown roof, will result in enhancement and diversification and will make a positive contribution to the character of the area in accordance with policy 5.11.

## **Affordable Housing**

Core Policy CS1J of the Harrow Core Strategy (2012) seeks the maximum reasonable amount of affordable housing on all development sites, with a Borough-wide target of 40%. The proposed flats would be 100% affordable rent, thereby exceeding the targets identified in the London Plan (2011) and the Harrow Core Strategy (2012). The development would contribute towards a particular shortfall in social housing for older

people and the development is accordingly considered to be acceptable in this regard. The affordable housing can be secured through a section 106 agreement.

### **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 proposed layout of the site has been discussed and reviewed with the Councils Crime Prevention Design Adviser who has recommended that a security condition is attached to the permission to ensure that the specific security needs of the development are met which is considered to be appropriate.

### **Consultation Responses**

- The plans to move my mother out are totally unacceptable and I would suggest that the plans be re-addressed so that my mother is not affected.
- **This is not a relevant material planning consideration.**
- The proposed new building will have a detrimental impact on sunlight admission to the properties at the rear along Sandymount Avenue.
- **This is addressed in section 3 of the above appraisal.**
- The proposed building works will result in undue noise and disturbance.
- **This is addressed in section 3 of the above appraisal.**
- The proposal will result in a reduction in property values.
- **This is not a material planning consideration.**
- The proposed new building will result in a loss of privacy to the residents of Sandymount Avenue.
- **This is addressed in section 3 of the above appraisal.**
- The woodland is protected by a Tree Preservation Order and the proposal would have a detrimental impact on the biodiversity value of the area.
- **This is addressed in sections 1 and 5 of the above appraisal.**

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

- a: the building
- 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).

3 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: 118/ PL 01/ Rev P1; 118/PL10/Rev P1; 118/PL11/Rev P1; 118/PL12/ Rev P1; 118/PL13/Rev P1; 118/PL14/ Rev P1; 118/PL15/Rev P1; 118/PL16/Rev P1; 118/PL17/ Rev P1; 118/PL18/Rev P1; 118/PL100/Rev P1; 118/PL102/Rev P1; 118/PL104/Rev P1; 118/PL105/Rev P1; 118/PL106/Rev P1; 118/PL107/Rev P1; 118/PL108/ Rev P1; 118/PL113/Rev P1; 118/PL114/Rev P1; J45.85/01; J45.85/02; A081128-005; A081128-006; Design and Access Statement; S12-304-100 Rev A; S12-304-101; Statement of Community Involvement – March 2013; Woodland Management Statement by Harrow Churches Housing Association; Daylight and Sunlight Report prepared by GIA Ref: 7220, dated 26<sup>th</sup> March 2013; Extended Phase 1 Habitat Survey – Ref DFC 1356, dated 2<sup>nd</sup> November 2012; Energy and Sustainability Strategy – Ref: P2466 C, dated 26<sup>th</sup> March 2013; Supporting Planning Statement – Ref: 2088, dated 2nd April 2013; Revised Woodland Tree Survey and Preliminary Management Proposals – Ref J45.85, dated 26<sup>th</sup> March 2013; Transport Statement – Issue 2, dated 26<sup>th</sup> March 2013; Document titled Schwegler Sparrow Terrace; Document titled: Schwegler Robin Deep Nest Box 1N; Document titled Ibstock Swift Nesting Box; 118/PL112/ Rev P2; 118/PL111 Rev P2; 118/PL110/ Rev P2; 118/PL115/ Rev P2; 118/PL101/ Rev P3; 118/PL103/ Rev P2; 118/PL109/ Rev P3; Email Re: P/0806/13-Paxfold, Elizabeth Gardens –Tree Removal and Daylight and Sunlight Standards, dated 30.05.2013; Untitled Document – Tree Plan Overlay; 7220-09 01 Rev A; J45.85/03; Woodland Access Strategy by Studio Aitken Urbanists – May 2013; Draft Arboricultural Implications Assessment for Proposed Woodland Building – Ref: J 45.85, dated 29<sup>th</sup> May 2013;

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

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

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

construction works

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

5 The development hereby permitted shall not commence until details of any extraction flues, ventilation systems, and rainwater disposal systems (including downpipes) have been submitted to and approved in writing by the Local Planning Authority. The application shall be implemented in full accordance with such details and be maintained thereafter.

REASON: In order to ensure a high standard of development which provides an appropriate standard of visual amenity for the surrounding area, as required by saved Policy D4 of the Harrow Unitary Development Plan 2004.

6 The development hereby permitted shall not be occupied until details of a strategy for the provision of communal facilities for television reception (e.g. Aerials, dishes and other such equipment) has been submitted to and approved in writing by the Local Planning Authority. Such details should include the specific size and location of all equipment. The approved details shall be implemented prior to first occupation of the building and shall be retained thereafter and no other television reception equipment shall be introduced onto the walls or roof of the approved building without the prior written approval of the Local Planning Authority.

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

7 Notwithstanding the provisions of Part 24 of The Town and Country Planning (General permitted Development) Order (1995) (as amended), there shall be no installation, alteration or replacement of any electronic communications apparatus on the buildings without the prior written approval of the Local Planning Authority

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

8 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. 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 permeable paving, vehicle barriers external lighting and the woodland timber walkway.

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

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

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

10 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 buildings, 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 compliance with saved policies D4 & D9 of the Harrow Unitary Development Plan (2004).

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

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

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

12 The development hereby permitted shall not be occupied until details of the green roof and brown have been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the implementation and maintenance of the green and brown roof. The development shall not be occupied until the works have been completed in accordance with the approved details and thereafter retained.

REASON: In the interest of the character and appearance of the development, as required by policy 7.4B of the London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004).

13 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, and as required by saved policy D10 of the Harrow Unitary Development Plan (2004).

14 No site works or development shall commence until details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highway, and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway

improvement, as required by saved policies D4 and EP12 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure that adequate drainage facilities are provided, in compliance with saved policies D4 & EP12 of the Harrow Unitary Development Plan (2004).

16 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.

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

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

18 The development hereby permitted shall not be occupied until the car parking areas shown on the approved plans have been constructed and surfaced with permeable materials, or drained in accordance with details submitted to, and approved in writing by, the local planning authority. The car parking spaces shall be permanently marked out and shall be used only for the parking of private motor vehicles in connection with the development hereby permitted (by residents and their visitors) and for no other purpose, at any time, without the written permission of the local planning authority.

REASON: To ensure the satisfactory provision of parking areas, to safeguard the appearance of the locality and in the interests of highway safety, as required by saved policies D4, T6 & T13 of the Harrow Unitary Development Plan (2004).

19 No demolition or site works in connection with the development hereby permitted shall commence before: a: the frontage b: 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.

20 The development shall be constructed to meet at least Level 4 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 4 prior to the occupation of the development.

REASON: To ensure that the development meets the highest standards of sustainable design and construction in accordance with the Supplementary Planning Document Sustainable Building Design [May 2009] and policy 5.2 of The London plan (2011).

21 Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the



application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority.

Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website:

<http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. all main entrance doorsets and communal entrance doorsets shall be made secure to standards, independently certified, set out in PAS 24:2007 or WCL 1 'Security standard for domestic doorsets';

2. all windowsets 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 7950:1997 or WCL 4 'Security standard for domestic windowsets'.

Following implementation the works shall thereafter be retained.

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

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

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

23 Details of the 5 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 development and shall be retained for the duration of this educational use on the site.

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

## **INFORMATIVES**

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

The decision to grant permission has been taken on the basis that the provision of new 'extra care' sheltered accommodation would meet an identified need for such accommodation in the borough. The proposal would ensure that there is not loss of open space on the site and the careful management and enhancement of the woodland, secured through a section 106 agreement, would provide a high quality environment for the residents of Paxfold as well as providing a positive community asset for the wider members of the local community. The physical impact of the development on neighbouring residential properties, including the impacts from visitors to the site can be satisfactorily addressed through the conditions and a S106 agreement. The design of the building, its size and siting are not considered to result in any unacceptable impacts upon the amenities of surrounding properties or on the existing residents of Paxfold. The proposal would result in the replacement of an existing poor quality building with a much improved and more sustainable design. 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
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable Housing Thresholds
- 3.15 Co-ordination of housing development and investment
- 3.16 Protection and Enhancement of social Infrastructure
- 3.17 Health and social care facilities
- 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
- 7.13 Safety, security and resilience to emergency
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting Local Open space and Addressing Local Deficiency
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands
- 8.2 Planning Obligations

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

CS1: Overarching Principles

CS 7: Stanmore and Harrow Weald

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

D4 -The Standard of Design and Layout

D10 - Trees and Development

EP25 – Noise

EP26 – Habitat Creation and Enhancement

EP27-Species Protection

C2- Provision of Social and Community Facilities

C7- New Education Facilities

C16- Access to Buildings and Public Spaces

T6 – The Transport Impact of Development Proposals

T9 – Walking

T10 – Cycling

T11 – Cycle and Motor Cycle Parking in public places

T13 – Parking Standards

EP12 – Control of Surface Water Run-off

EP47 – Open Space

## **Harrow Development Management Policies Local Plan (2013):**

Policy DM 1 – Achieving a High Standard of Development

Policy DM 2 – Achieving Lifetime Neighbourhoods

Policy DM 9 – Managing Flood Risk

Policy DM 10 – On Site Water Management and Surface Water Attenuation

Policy DM 11 – Protection and Enhancement of River Corridors and Watercourses

Policy DM 12 – Sustainable Design and Layout

Policy DM 14 – Renewable Energy Technology

Policy DM 18 – Protection of Open Space

Policy DM 19 – Provision of New Open Space

Policy DM 20 – Protection of Biodiversity and Access to Nature

Policy DM 21 – Enhancement of Biodiversity and Access to Nature

Policy DM 22 – Trees and Landscaping

Policy DM 23 – Streetside Greenness and Forecourt Greenery

Policy DM 27 – Amenity Space

Policy DM 29 – Sheltered Housing, Care Homes and Extra Care Housing

Policy DM 42 – Parking Standards

Policy DM 43 – Transport Assessments and Travel Plans

Policy DM 45 – Waste Management

Policy DM 46 – New Community Sport and Educational Facilities

## **Other Relevant Guidance:**

Harrow Strategic Flood Risk Assessment (Level 1) - (2009)

Harrow Strategic Flood Risk Assessment (Level 2) – (2011 & 2012)

Harrow Surface Water Management Plan (2012)

London Borough of Harrow Open Space Study PPG17

The Harrow Annual Monitoring Report 2001 – 2011

The emerging Site Allocations DPD 2011

Supplementary Planning Document Sustainable Building Design (2009)

Supplementary Planning Document: Access for All (2006)

Code of Practice: Refuse Storage and Collection of Domestic Refuse (2008)

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

## 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

## 5 INFORM\_PF1

## 6 DUTY TO BE POSITIVE AND PROACTIVE

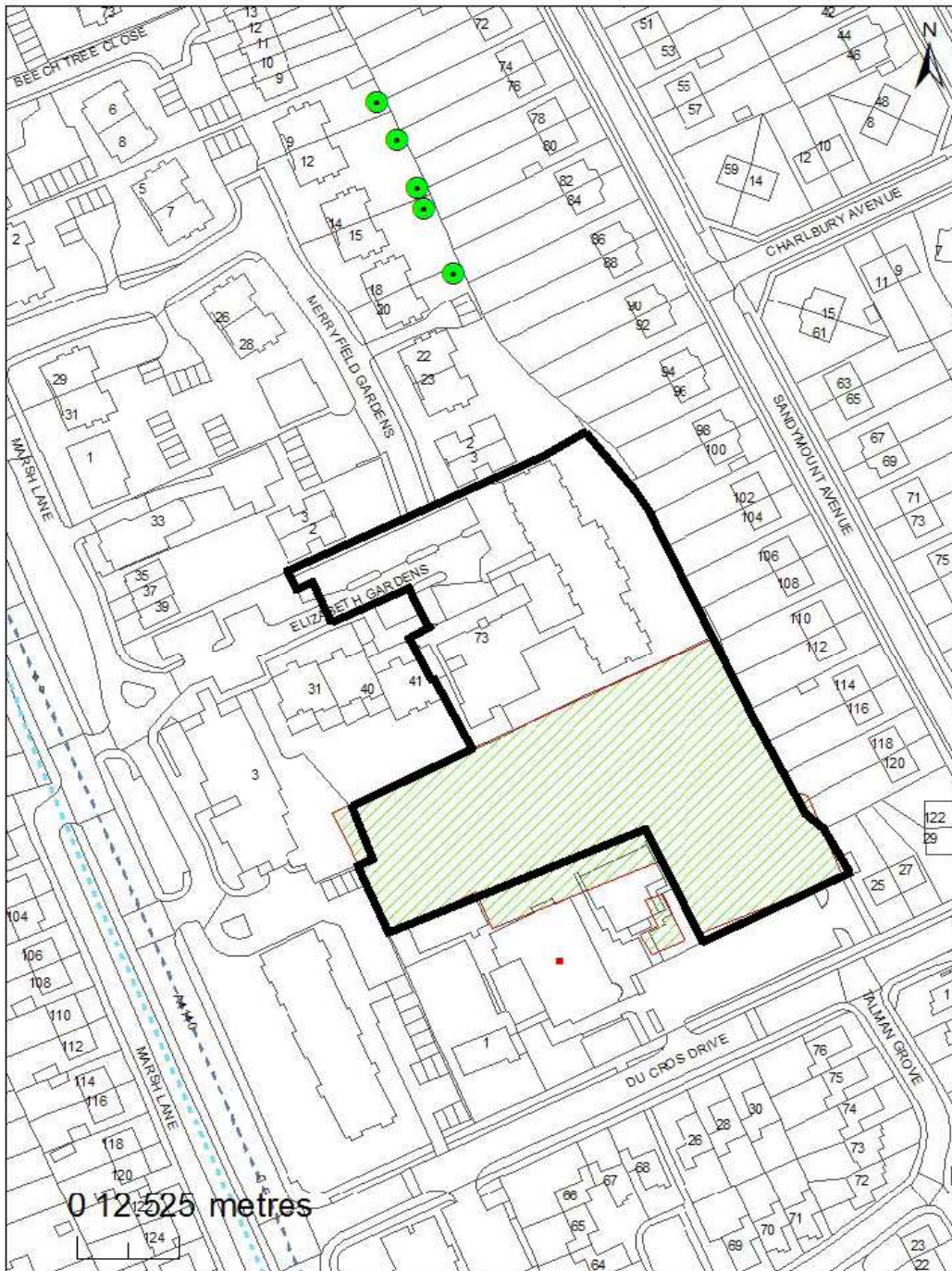
Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

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

7. In aiming to satisfy the Community Safety condition(s) the applicant should seek the advice of the Borough Crime Prevention Design Advisors (CPDA). They can be contacted through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of this / these condition(s).

Plan Nos: 118/ PL 01/ Rev P1; 118/PL10/Rev P1; 118/PL11/Rev P1; 118/PL12/ Rev P1; 118/PL13/Rev P1; 118/PL14/ Rev P1; 118/PL15/Rev P1; 118/PL16/Rev P1; 118/PL17/ Rev P1; 118/PL18/Rev P1; 118/PL100/Rev P1; 118/PL102/Rev P1; 118/PL104/Rev P1; 118/PL105/Rev P1; 118/PL106/Rev P1; 118/PL107/Rev P1; 118/PL108/ Rev P1; 118/PL113/Rev P1; 118/PL114/Rev P1; J45.85/01; J45.85/02; A081128-005; A081128-006; Design and Access Statement; S12-304-100 Rev A; S12-304-101; Statement of Community Involvement – March 2013; Woodland Management Statement by Harrow Churches Housing Association; Daylight and Sunlight Report prepared by GIA Ref: 7220, dated 26<sup>th</sup> March 2013; Extended Phase 1 Habitat Survey – Ref DFC 1356, dated 2<sup>nd</sup> November 2012; Energy and Sustainability Strategy – Ref: P2466 C, dated 26<sup>th</sup> March 2013; Supporting Planning Statement – Ref: 2088, dated 2nd April 2013; Revised Woodland Tree Survey and Preliminary Management Proposals – Ref J45.85, dated 26<sup>th</sup> March 2013; Transport Statement – Issue 2, dated 26<sup>th</sup> March 2013; Document titled Schwegler Sparrow Terrace; Document titled: Schwegler Robin Deep Nest Box 1N; Document titled Ibstock Swift Nesting Box; 118/PL112/ Rev P2; 118/PL111 Rev P2; 118/PL110/ Rev P2; 118/PL115/ Rev P2; 118/PL101/ Rev P3; 118/PL103/ Rev P2; 118/PL109/ Rev P3; Email Re: P/0806/13-Paxfold, Elizabeth Gardens –Tree Removal and Daylight and Sunlight Standards, dated 30.05.2013; Untitled Document – Tree Plan Overlay; 7220-09 01 Rev A; J45.85/03; Woodland Access Strategy by Studio Aitken Urbanists – May 2013; Draft Arboricultural Implications Assessment for Proposed Woodland Building – Ref: J 45.85, dated 29<sup>th</sup> May 2013;

# 47 TO 96 ELIZABETH GARDENS, STANMORE



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## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No. 2/01  
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

### **Additional Information**

The application was considered at the Planning Committee on 29 May 2013. It was deferred to enable Members to undertake a site visit to the property, which was carried out on 13 June 2013.

### **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 member of staff within the property.
- Staff would be employed on a roster basis, with three full time members of staff undertaking shifts.
- 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.

### **Revisions to Application since previous Planning Committee**

The applicant has clarified the staffing arrangements to be as follows;

- No-one will live on site.
- The home will be staffed 24 hours per day.
- There will be 3 shifts: One will be taken by the applicant, another by his wife and a manager will have the third.
- Staffing levels will be maintained to the National Minimum Standards.



## **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].

### Emerging Development Management Policies Local Plan 2013 [DMP]

The DMP 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. The Council received the Inspector's final Report into the Development Plan documents on 28 May 2013 and the Inspector's report has found that the DMP is sound. In light of this and in line with NPPF paragraph 216, it is considered that the policies of the DMP can be afforded significant weight in the consideration of planning applications.

## **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 6 persons on site, being made up of 5 residents and 1 full time carer.

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 registered 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 people's 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 applicant has confirmed that there would be one member of staff on site at all time to supervise children. This would be run on a shift basis between three members of staff over three shifts. Supervision numbers would need to be in line with National Minimum Standards.*

- 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 (receiving care) 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 (including both residents and carers) living on the premises [for the C2 Residential Care Use] shall not exceed 8 persons 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 premises shall be used for the purpose specified in the application and for no other purpose, including any other purpose in Class C2 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 with saved policies D4 and D5 of the Harrow Unitary Development Plan 2004

5 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.

#### **INFORMATIVE:**

##### **1 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  
Supplementary Planning Document: Accessible Homes 2010  
Emerging Harrow Development Management Policies Local Plan (2013): DM1.

## **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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### SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

None.

**SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES**

None.

## SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.